

which socks it harder to the guy who earns less than \$10,800 a year.

Further, state and local taxes nationally rose by \$35 billion from 1969 through 1972. In Michigan, according to the Citizens Research Council, they have more than doubled from 1960 to 1972.

And Michigan's taxes, like Social Security, are "regressive" in that they are not based on ability to pay. The tax on a \$20,000 house is the same for a family making \$50,000 as individuals and corporations which are taxes, also flat rate, bear more on the poor, relatively, than on the well-to-do.

When Mr. Nixon proposed revenue-sharing, the theory was that the federal government would collect "progressive" taxes and return

them to the states to ease the load of "regressive" taxes. In theory it works. But Mr. Nixon has cut out all the first-year gains from revenue-sharing by eliminating or reducing many of the Great Society programs.

He has also proposed raises in the regressive taxes. Medicare patients, mostly elderly, will pay 10 percent of their hospital bills. Inflation, by no means under control, hits hardest at those on fixed incomes.

To some of Mr. Nixon's proposed changes we have offered our support and applause. We have never believed that the federal government should do for the people what the people are willing and able to do for themselves. But the lines are becoming muddy as the tax burden changes.

Nonetheless, it seems evident that if the President is going to "turn power back to the states," the states are going to have to assume it or forfeit their obligations to their citizens. This means coming to grips with financing it.

And in Michigan, with no way to levy progressive taxes to offset the cuts in federal progressive taxes, that means higher regressive taxes—an increase especially on those least able to pay.

It is popular, certainly. The voters of Michigan last fall rejected tax reform in favor of keeping our present flat rate system. But how long will it work in a society in which the rich get richer while the poor get poorer?

HOUSE OF REPRESENTATIVES—Tuesday, March 20, 1973

The House met at 12 o'clock noon.

Rev. Jerry D. Van Der Veen, Church of the Covenant, Hawthorne, N.J., offered the following prayer:

They that wait upon the Lord shall renew their strength; they shall walk and not faint.—Isaiah 40: 31.

Almighty, Eternal God, we humbly bow before Thee and with thankful hearts acknowledge that Thou art the source of all our blessings, even life itself.

We thank Thee for our health and strength.

May we realize that Thou art always with us, every moment of the day.

We pray for Thy blessing upon our country, the land that we love.

Bless the President and the Vice President. Be with the Speaker of the House. Give him wisdom, guidance, and strength to fulfill his calling.

We ask for every Congressman here present today that Thou wilt direct their decisions for the benefit of all our people.

We commend our Nation with all its problems and difficulties unto Thy sovereign care.

Through Jesus Christ our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Marks, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 583. An act to promote the separation of constitutional powers by securing to the Congress additional time in which to consider the Rules of Evidence for United States Courts and Magistrates, the Amendments to the Federal Rules of Civil Procedure and the

Amendments to the Federal Rules of Criminal Procedure which the Supreme Court on November 20, 1972, ordered the Chief Justice to transmit to the Congress.

PERMISSION FOR COMMITTEE ON HOUSE ADMINISTRATION TO FILE PRIVILEGED RESOLUTIONS

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that the Committee on House Administration have until midnight tonight to file several privileged resolutions.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

CLOSING OF THE REGIONAL HEALTH PROGRAMS

(Mr. O'NEILL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. O'NEILL. Mr. Speaker, there is a ruthless determination about the administration's attacks upon the health programs of this Nation.

Fifty-six regional medical centers have been notified that funding will be halted after June 30. Mr. Speaker, the Congress has had no opportunity, to pass judgment on this proposal. The administration's action is presumptuous and arbitrary. It represents another instance of usurpation of power by the Executive.

The regional medical centers were established under the Johnson administration and charged with relaying new medical advances from the laboratories to the practicing physicians. This promising program is only one of several health programs marked for extermination by the Nixon administration.

The administration's action must urge the Congress once again to reassert its policymaking responsibilities. The American people must be protected from the arbitrary termination of health programs.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Committee

on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

SUBSIDY PAYMENTS OF \$20,000 OR MORE FOR 1972

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, later this week I will once again offer in the RECORD a massive compilation of facts that will document how deeply the big corporate farmers have dipped into the Federal till this past year.

It is time to publish the annual honor roll: the list of those farms that received subsidy payments of \$20,000 or more under the Federal Government's cotton, feed grain, and wheat programs for 1972. Last year more than 10,000 farms qualified for this list.

In this time of skyrocketing farm prices and tremendous food exports, these subsidy programs are wasteful and outdated. They must be phased out.

Preliminary figures indicate that Federal subsidy payments under the feed grain program for 1972 will total \$1.865 billion—a 77-percent increase over the previous year.

For all that flood of money, I cannot see a residue of benefit. In my district there are hundreds of dairy farmers who are in trouble because they cannot get enough feed grain. And what little supply they do get costs 50 percent more than just 4 months ago.

I hope my colleagues will study the list of subsidy recipients and ask whether these Federal handouts to big corporate farmers can be justified any longer.

FOURTH MANPOWER REPORT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93-64)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Ed-

ucation and Labor and ordered to be printed with illustrations.

To the Congress of the United States:

As required by section 107 of the Manpower Development and Training Act of 1962, as amended, I am sending to the Congress the fourth Manpower Report of my Presidency and the final one of my first Administration.

The report describes the acceleration of the economic recovery in 1972 and analyzes the significant decrease in rates of unemployment that occurred following a revitalization of labor demand under Phase II of our Economic Stabilization Program. Significantly, these overall employment gains have been achieved in the face of an unusually rapid expansion of the civilian labor force. I am especially gratified by the evidence that this Administration's intensive effort to improve the employment situation of Vietnam-era veterans has been increasingly effective in recent months.

In the course of a decade of experimentation, numerous federally sponsored manpower programs have been devised and executed in response to changing perceptions of national requirements. The experience of these 10 years has demonstrated conclusively that "national" manpower issues really have a sharply differentiated impact among the many States and localities and hence that the effect of many large-scale federally designed programs has been to unduly constrict States and localities, preventing them from directing resources to meet their problems.

In response to these findings, this Administration will take steps during 1973 and 1974 to institute a new program of manpower revenue sharing within the existing legislative framework. The new Manpower Report discusses this much-needed reform, which will permit States and localities to use manpower resources in a manner consistent with their requirements.

I commend this report to the careful attention of the Congress.

RICHARD NIXON.

THE WHITE HOUSE, March 20, 1973.

CALL OF THE HOUSE

Mr. WYLIE. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 51]

Anderson, Ill.	Diggs	Hébert
Badillo	Dingell	Hogan
Bafalis	Dorn	Hosmer
Bell	Fascell	Karth
Bergland	Findley	King
Biaggi	Ford	Koch
Brademas	William D.	Lent
Carey, N.Y.	Frenzel	McCormack
Carney, Ohio	Froehlich	Milford
Chisholm	Hansen, Idaho	Minshall, Ohio
Clark	Harrington	Mitchell, Md.
Clay	Harsha	Moorhead, Pa.
Conyers	Harvey	Mosher
Dellums	Hawkins	Nelsen

Nix	Reid	Stubblefield
Patman	Roncallo, N.Y.	Taylor, Mo.
Peyser	Rooney, N.Y.	Treen
Poage	Steiger, Ariz.	Udall
Price, Tex.	Stephens	Young, Alaska

The SPEAKER. On this rollcall 376 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

FORT WORTH FIVE

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HANLEY. Mr. Speaker, I would like to take a moment to share with you and my colleagues some observations about House Resolution 220 and others, requesting information about the Fort Worth Five. In the ongoing controversy over the contempt proceedings launched against Kenneth Tierney, Thomas Lafey, Thomas Reilly, Paschal Morahan, and Daniel Crawford, the point of this resolution has sometimes been overlooked. This measure is far from an attempt to pass judgment on the guilt or innocence of this group of men, but it is an effort to determine if there has been any politically motivated harassment of these men and also to see if the grand jury investigation could have been held just as easily in New York City. Since the early days of this country, we have striven to keep the power vested in the State from abusing the citizens it was designed to protect. It is a prime responsibility of this body to be constantly on the lookout for any acts taken by the State against its citizenry designed to intimidate rather than determine guilt or innocence. The action of the Department of Justice in convening the grand jury in Fort Worth, Tex., thereby considerably increasing the cost of defending these men, separating them from their families, friends, and lawyers, plus the reluctance on the part of the Justice Department to fully explain their actions seems to me to be sufficient basis for requesting this information. It is our job to see that these men are accorded the due process of law which every citizen is entitled to. When citizens from New York are hauled off to Texas and thrown into jail for invoking the fifth amendment we have no choice but to demand an explanation from the Government. I heartily endorse these resolutions.

PROVIDING FUNDS FOR COMMITTEE ON HOUSE ADMINISTRATION

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 249 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 249

Resolved, That effective January 3, 1973, the expenses of the investigations and studies to be conducted by the Committee on House Administration, acting as a whole or by subcommittee, not to exceed \$450,000, including expenditures for the employment of investigators, attorneys, and clerical, stenographic,

and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(1) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(1)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed \$65,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(1) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(1)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. HAYS (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the resolution be dispensed with and that the resolution be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HAYS. Mr. Speaker, this resolution is the funding for the Committee on House Administration. There are 18 others to follow.

I can say to the Members that in every case the minority was asked when they came before the subcommittee as to whether they were satisfied or not, and in every case we had assurances that they were.

Mr. DICKINSON. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Speaker, in every case, in all 18 resolutions before us, I believe each of the ranking minority Members was asked specifically if he was satisfied with the staff allowed for the minority.

I can assure the Members that I am satisfied that there was not one person, one minority ranking Member, who left there saying that he was dissatisfied with the staff allowed.

I support this and the following resolutions.

Mr. HAYS. Mr. Speaker, the remaining resolutions will be handled by Mr. Thompson of New Jersey, chairman of the subcommittee.

Mr. WYLIE. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. I thank the gentleman for yielding.

I notice the resolution calls for an additional expenditure of \$50,000 for the first session of the 93d Congress. Could the gentleman just briefly tell us what the additional expenditure is for?

Mr. HAYS. This is an increase over last year of about 5 percent; a little more than 5 percent.

As the gentleman knows, we had a 5-percent increase in wages, so this is the amount which every committee has over and above its statutory allowance. I mean the amounts will vary, but that is over the statutory allowance for extra legal staff clerks, clerks of the subcommittees, minority staff.

Mr. WYLIE. This in substance is a cost-of-living increase; is that what the gentleman is saying?

Mr. HAYS. A \$25,000 increase over last year amounts to that in this particular case.

May I say that in some of the committees which come later on the increase is much more than that, but in every case the committee felt it was justified.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Iowa.

Mr. GROSS. That increase applies only to statutory employees or applies to others?

Mr. HAYS. The increase applies to everybody on the Hill, subject to the approval of the committees, and every committee chairman did approve it. It was a statutory increase, and I think 95 percent of the Members approved it for the staffs of their offices.

Mr. GROSS. But provision is not made in any of these resolutions to pay statutory employees. Is that not correct? Or am I wrong?

Mr. HAYS. Well, that is correct. It is for employees over and above the statutory employees most committees are allowed.

Mr. GROSS. I thank the gentleman. The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR COMMITTEE ON ARMED SERVICES

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 264 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 264

Resolved, That, effective January 3, 1973, the expenses of the investigation and study to be conducted pursuant to H. Res. 185, by the Committee on Armed Services, acting as a whole or by subcommittee, not to exceed \$225,000 including expenditures for the employment of special counsel, consultants, investigators, attorneys, experts, and clerical, stenographic, and other assistants appointed by the chairman of the Committee on Armed Services, shall be paid out of the contingent fund of the House on vouchers authorized by such committee or subcommittee, signed by the chairman of the Committee on Armed Services, and approved by the Committee on House Administration. Of such amount, not to exceed \$12,500 shall be available for the employment of consultants and consulting organizations; but nothing in this sentence shall be deemed to prohibit the expenditure of all or part of such \$12,500 to cover any other expenses for which payment may be made under this resolution.

SEC. 2. No part of the funds authorized by this resolution shall be available for expendi-

ture in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Armed Services shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution established by the Committee on House shall be expended pursuant to regulations Administration in accordance with existing law.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with and that the resolution be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, this resolution is to fund the Committee on Armed Services. It has a modest increase over its expenditure of the previous Congress, which is due again largely to the statutory 5.5 percent pay increase.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Iowa.

Mr. GROSS. How does the gentleman propose to go about calling up these resolutions? They are not being called in numerical order. Does the gentleman have a list of how they will be called?

Mr. THOMPSON of New Jersey. Yes. Would the gentleman like me to read the list?

Mr. GROSS. That would not be very helpful, but they will not be called in numerical order?

Mr. THOMPSON of New Jersey. They are being called actually in the order in which they were received by the committee.

Mr. GROSS. I thank the gentleman.

Mr. THOMPSON of New Jersey. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR THE COMMITTEE ON EDUCATION AND LABOR

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 181 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 181

Resolved, That, effective January 3, 1973, the expenses of the investigations and studies to be conducted pursuant to H. Res. 175, by the Committee on Education and Labor, acting as a whole or by subcommittee, not to exceed \$1,440,000, including expenditures for the employment of investigators, attorneys, individual consultants or organizations thereof, and clerical, stenographic, and other assistants, shall be paid out of the contingent

fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Of such amount \$90,000 shall be available for each of eight standing subcommittees of the Committee on Education and Labor.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Education and Labor shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the resolution and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, this is for the Committee on Education and Labor, on which there is, as on all of these resolutions, complete agreement between the majority and the minority.

Mr. WYLIE. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Ohio.

Mr. WYLIE. For this committee I note there is a \$190,000 increase over the first session of the last Congress, which is a little more than a cost of living increase.

Mr. THOMPSON of New Jersey. Yes. This is caused by the creation of a new subcommittee and by the expanded oversight responsibilities of the respective subcommittees.

Mr. WYLIE. The creation of a new subcommittee and staff of the subcommittee, is that what the gentleman is saying accounts for the increase?

Mr. THOMPSON of New Jersey. Yes. That represents \$90,000 of the increase.

Mr. WYLIE. What is the name of the subcommittee?

Mr. THOMPSON of New Jersey. The subcommittee on Equal Opportunities, I believe it is, chaired by the gentleman from California (Mr. HAWKINS).

Mr. WYLIE. I thank the gentleman.

Mr. THOMPSON of New Jersey. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR THE COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 271 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 271

Resolved, That, effective January 3, 1973, the expenses of the investigations and studies to be conducted pursuant to H. Res. 187 by the Committee on Merchant Marine and Fisheries, acting as a whole or by subcommittee, not to exceed \$291,500, including expenditures for the employment of investigators, attorneys, individual consultants or organizations thereof, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. However, not to exceed \$50,000 of the amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(1) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(1)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Merchant Marine and Fisheries shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the resolution and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, this is for the Committee on Merchant Marine and Fisheries, chaired by our distinguished colleague, the gentleman from Missouri (Mrs. SULLIVAN). Again, there was complete agreement between the majority and the minority.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR THE COMMITTEE ON THE JUDICIARY

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 265 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 265

Resolved, That, effective January 3, 1973, the expenses of conducting the studies and investigations authorized by H. Res. 74 of the Ninety-third Congress, incurred by the Committee on the Judiciary, acting as a whole or by subcommittee, not to exceed \$536,217.75

including expenditures for the employment of experts, special counsel, clerical, stenographic, and other assistants and consultants, and all expenses necessary for travel and subsistence incurred by members and employees while engaged in the activities of the committee or any subcommittee thereof, shall be paid out of the contingent fund of the House on vouchers authorized by such committee signed by the chairman of such committee and approved by the Committee on House Administration. Not to exceed \$20,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(1) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(1)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on the Judiciary shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the resolution and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, this is for the Committee on the Judiciary, chaired by the distinguished dean of the New Jersey delegation (Mr. RODINO.)

Again, there is complete agreement with the ranking minority member, the gentleman from Michigan (Mr. HUTCHINSON).

The amount was reduced slightly, because there was an expenditure for a computer in the committee. The committee has geared into the House computer now, and the subcommittee and the Committee on House Administration felt that reduction was justifiable.

Mr. WYLIE. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Ohio for debate only.

Mr. WYLIE. Did I understand the gentleman to say that the amount authorized here for the Judiciary Committee was decreased?

Mr. THOMPSON of New Jersey. The amount of the original request of that committee was decreased. No; there is represented an increase over the authorization of the last Congress.

Mr. WYLIE. I notice in the first session of the 92d Congress it was \$350,000. This represents an increase of about \$186,000 plus. Does the gentleman have the figures there as to the items that are represented?

Mr. THOMPSON of New Jersey. Once again there is a 5.5-percent increase for the creation of two new subcommittees,

and there has been an increase in the minority staff.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Speaker, I say further that the Special Committee on Crime is being phased out, and their jurisdiction will be transferred to the Committee on the Judiciary, and the Special Committee on Crime alone used over \$600,000 last year.

So in my judgment this is a fairly modest increase, with all the added duties the Committee on the Judiciary is going to take on.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. This is funding for two new additional subcommittees, plus their staffs?

Mr. THOMPSON of New Jersey. Plus a 5.5-percent increase for the staff, plus the increased minority staff.

Mr. GROSS. I thank the gentleman.

Now, may I ask the gentleman further, in any or all of these resolutions that are to come up today—I understand the Committee on the District of Columbia resolution is to come up tomorrow—

Mr. THOMPSON of New Jersey. The resolutions on the District of Columbia, on Banking and Currency, and Internal Security, and one other will come up on Thursday, I believe.

Mr. GROSS. On Thursday, rather than tomorrow. Yes, I thank the gentleman for the correction.

Mr. Speaker, let me ask this: On all these resolutions for funding committees, each of them has the authority to travel to foreign countries, do they not?

Mr. THOMPSON of New Jersey. The gentleman is correct, yes. As I understand it, by the action taken a week or so ago, all but one committee has the foreign travel privilege.

Mr. GROSS. Then is there any provision made in any of these resolutions for the short-fall in the dollar, the 10 percent devaluation of the dollar, and therefore, the increased costs of foreign junketing? Is any of this increase attributable to that factor?

Mr. THOMPSON of New Jersey. No, we did not take that into consideration. We do not know from day to day or even from hour to hour what the exact value of the dollar is.

Mr. GROSS. Yes.

Mr. THOMPSON of New Jersey. So we took it at its old value.

Mr. GROSS. I am glad to hear that.

Mr. THOMPSON of New Jersey. So in a sense we are saving 14 percent approximately.

Mr. GROSS. Well, I do not know whether you are or not. I do not know whether you are saving 14 percent, or whether you will be back here next year authorizing funds to make up the short fall. Perhaps it will be in a supplemental appropriation.

The gentleman will not say that the Congress has quit junketing, would he?

Mr. THOMPSON of New Jersey. I do not know what the word, "junketing," means. I would expect that my friend, the gentleman from Iowa (Mr. GROSS) is referring to travel outside the United States, using what is commonly known as counterpart funds.

The gentleman has received, for instance, from me in a number of instances postcards and small gifts which were paid for out of my own pocket.

Mr. GROSS. The gentleman from Iowa is always thankful for small favors. It is always nice to know where the gentleman is traveling.

Mr. THOMPSON of New Jersey. I always like to keep the gentleman from Iowa informed, and I assure him I shall when I travel abroad this year.

Mr. GROSS. The gentleman from Iowa particularly appreciates the scenic postcards that he gets.

Mr. THOMPSON of New Jersey. I thank the gentleman. If the gentleman is referring to that beautiful card of the fountain at Lake Lucerne, I understand.

Mr. GROSS. Yes, that is one of them. However, that is only one.

So there is no provision in any of these resolutions presently before us to take care of that?

Mr. THOMPSON of New Jersey. No, sir, not in a single one. I shall continue to pay for my messages and small presents out of my own pocket.

Mr. GROSS. Regardless of whether the dollar is going to be in inner or outer space in the next 48 hours?

Mr. THOMPSON of New Jersey. No one knows. So we can take that into consideration.

Mr. GROSS. I thank the gentleman.

Mr. THOMPSON of New Jersey. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR THE COMMITTEE ON FOREIGN AFFAIRS

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 278 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 278

Resolved, That effective from January 3, 1973, the expenses of the investigations and studies to be conducted pursuant to H. Res. 267, Ninety-third Congress, incurred by the Committee on Foreign Affairs, acting as a whole or by subcommittee, not to exceed \$607,500 including expenditures for the employment of experts, clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. However, not to exceed \$50,000 of the amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(1) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(1)); but this monetary limitation on the procurement of such

services shall not prevent the use of such funds for any other authorized purpose.

Sec. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Foreign Affairs shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

Sec. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, this resolution is for the Committee on Foreign Affairs chaired by the distinguished gentleman from Pennsylvania (Mr. MORGAN).

Once again the ranking member of the committee is in complete agreement with this.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I am pleased that I asked the question that I did previously about the short-fall in the devalued dollar now that we are considering the financing resolution for the Committee on Foreign Affairs which is one of the real junketing committees in this Congress.

I thank the gentleman for yielding.

Mr. THOMPSON of New Jersey. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR THE COMMITTEE ON PUBLIC WORKS

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 285 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 285

Resolved, That, effective from January 3, 1973, the expenses of the investigations and studies to be conducted pursuant to H. Res. 228, by the Committee on Public Works, acting as a whole or by subcommittee, not to exceed \$1,519,700, including expenditures for the employment of investigators, attorneys, individual consultants or organizations thereof, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. However, not to exceed \$75,000 of the amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organiza-

tions thereof pursuant to section 202(1) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(1)); but this monetary limitation on the procurement of such service shall not prevent the use of such funds for any other authorized purpose.

Sec. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Public Works shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

Sec. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, this resolution is for the Committee on Public Works. There is an increase over the previous year caused again by the 5.5 percent pay raise, and by the creation of a new subcommittee, and by the increase in the minority staffing.

Mr. WYLIE. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I notice that the requested authorization in the case of the Committee on Public Works is the largest single increase in any of the committees, to wit, \$447,000 over the first session of the 92d Congress. Is that all reflected in the cost of living increase, one subcommittee and its staff?

Mr. THOMPSON of New Jersey. Mr. Speaker, I would reply to the gentleman from Ohio that not all of it is, it is also caused by the increased minority funding and by the determination by the chairman and the ranking member to do much more oversight in this session than in the past.

Mr. WYLIE. Much more oversight over what, if the gentleman knows?

Mr. THOMPSON of New Jersey. This committee has enormous responsibilities relating particularly to highway safety, to air and water pollution, and to transit problems and other matters.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

I do think we need some additional information in this case since it is a resolution that calls for \$1,648,000,000 plus; is that correct?

Mr. THOMPSON of New Jersey. \$1,519,700.

Mr. GROSS. For 1 year?

Mr. THOMPSON of New Jersey. For 1 year.

Mr. GROSS. For the life of me, Mr. Speaker, I do not understand what justifies this expense for one committee of the Congress for 1 year. And an increase of nearly a half million dollars for that period.

Mr. THOMPSON of New Jersey. Mr. Speaker, I would say to the gentleman from Iowa that the hearings on this committee were rather extensive, and were justified by the committee chairman and the ranking minority member. It represents also an increase again in minority staffing.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Ohio (Mr. Hays) the chairman of the Committee on House Administration.

Mr. HAYS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would like to say to the gentleman from Iowa that this committee came in with a much, much larger request than they were ultimately granted. A considerable part of that increase was because the chairman of the committee took seriously the Reorganization Act that said that 33 percent of all the employees on the committee should be given to the minority. Then he also took seriously the Democratic caucus action creating a staff for all of the subcommittees that they did not have in the last Congress.

We talked to the gentleman, who is a very distinguished and a very conservative man in fiscal affairs, and he then came in with a much lower figure, and one in which he agreed with the subcommittee chairman.

But I might add that this committee in the past Congress, as I understand it, did not have this subcommittee staffing or the minority staffing, as the subcommittee chairman stated, and this has been expanded.

As I told the gentleman the other day, if you want more minority staffing you will have to be willing to sit still and pay for it the same as we will if we give it to you.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Iowa.

Mr. GROSS. I appreciate the explanation by the gentleman, but I still do not have an answer. What was the appropriation for this committee in the first session of the 92d Congress?

Mr. THOMPSON of New Jersey. \$1,072,000 in the first session.

Mr. GROSS. That is an increase of—

Mr. THOMPSON of New Jersey. Approximately \$100,000. We consider it entirely justified, I might say.

Mr. GROSS. Is this kind of money spent on one committee to be used to promote dog tracks and facilities for dog tracks, and various other promotions of that nature?

Mr. THOMPSON of New Jersey. No.

Mr. GROSS. Or additional seats in the stadium?

Mr. THOMPSON of New Jersey. No. I think the gentleman from Illinois (Mr. GRAY), a senior member of the committee can better answer that than I.

Mr. GRAY. Will the gentleman yield to me?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Illinois.

Mr. GRAY. Since the gentleman from Iowa has mentioned the gentleman from Illinois' going to the dogs, I thought I should comment that the Subcommittee on Public Buildings and Grounds, on which I have the pleasure of serving as chairman, has one staff member at \$12,000 per year; that is all.

Mr. GROSS. I am talking about the committee as a whole, and to what the committee is devoting its attention as a whole, not to any particular subcommittee. Let the record show that I did not say the gentleman from Illinois was going to the dogs. He made that admission on his own.

Mr. GRAY. Will the gentleman yield to me further?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Illinois.

Mr. GRAY. I am surprised that the gentleman from Iowa would criticize the dog racing bill. The gentleman knows that the R. F. K. Stadium is losing a million dollars a year. Also, there are \$20 million in outstanding bonds not paid. The gentleman from Illinois, in talking about proposed dog racing, was merely laying out for consideration one possible source of revenue. I think the gentleman, if I could coin a phrase, is letting the tail wag the dog when he talks about this particular bill of \$1½ million to fund the full committee, going to fund such studies as dog racing. It is not.

The gentleman from Texas (Mr. WRIGHT) is not here, but I can say that the Subcommittee on Investigations and Oversight of the Committee on Public Works is probably saving more money for the taxpayers than any committee in this Congress.

We have more than a \$4 billion-per-year highway trust fund that we have to monitor with all funds going to the States.

We are now engaged in a very extensive study of highway safety; 56,000 people were killed on the highways of America last year; with hundreds of thousands of injuries.

We have some very expert people—former FBI agents and others—doing a Trojan job in the Committee on Public Works. It costs money to hire these people.

I think the gentleman can see, if we stop cheating in the highway construction program and save millions of dollars, the amount funded here for all the Committee on Public Works is infinitesimal compared to the money we are saving the taxpayers of this country.

Mr. GROSS. Mr. Speaker, will the gentleman yield for one observation?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Iowa.

Mr. GROSS. The fact is that the appropriations for this committee have been increased, and substantially increased, and I do not know that there has been any reduction in deaths on the highways. This, to me, seems to be something of a subterfuge in justification for this kind of an increase, to which I am vigorously opposed.

Mr. GRAY. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Illinois.

Mr. GRAY. I just make one more observation to my friend from Iowa. I would have to take exception to that last statement he made. We are saving lives. This committee has produced a very effective film that is now being shown in hundreds of theatres and television stations throughout the country on highway safety, on the drinking driver, on various aspects of highway safety. The House Committee on Public Works is actively engaged in a safety program nationwide. I think the gentleman would be proud of the work that this committee is doing if he would care to come down and see some of it.

Mr. WYLIE. Mr. Speaker, will the gentleman yield for an additional question?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Ohio.

Mr. WYLIE. The gentleman mentioned the film which was put together by the Committee on Public Works, and it is an excellent film, but that was put together in the last Congress, was it not, out of appropriations of the last Congress?

Mr. GRAY. Will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Illinois.

Mr. GRAY. I thank the gentleman for yielding. We are continuing to update the film. We are asking various Members if they would like to come down and film their own comments as introductory remarks, and we can then disseminate this film all over the country. This takes additional money. The film, as I said, is being updated. Some of the money was spent in the last session and it is going to take some of the additional funds in this resolution to continue this good work. There are many, many other programs handled by the Public Works Committee.

Mr. WYLIE. Will the gentleman yield for an observation?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Ohio.

Mr. WYLIE. What concerns me is that this committee of all the committees being considered today has jumped up to third place in the amount of money requested to run the committee. Not only has it jumped up to third place, but it also has a 33½-percent increase in the amount of money requested for 1 year. The reason for that increase is not reflected in the report.

Mr. THOMPSON of New Jersey. The gentleman from New Jersey can only respond that the justification by this committee was extensive, it was forceful, and it was a unanimous vote of the subcommittee and the full Committee on House Administration to report it out.

Mr. WYLIE. I thank the gentleman.

Mr. THOMPSON of New Jersey. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the

Speaker announced that the ayes appeared to have it.

Mr. WYLIE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 372, nays 9, not voting 51, as follows:

[Roll No. 52]

YEAS—372

Abdnor	Dennis	Johnson, Calif.
Abzug	Dent	Johnson, Colo.
Adams	Derwinski	Johnson, Pa.
Addabbo	Devine	Jones, Ala.
Alexander	Dickinson	Jones, N.C.
Anderson	Diggs	Jones, Okla.
Calif.	Dingell	Jones, Tenn.
Andrews, N.C.	Donohue	Jordan
Andrews,	Drinan	Kastenmeier
N. Dak.	Dulski	Kazen
Annunzio	Duncan	Keating
Archer	du Pont	Kemp
Arends	Eckhardt	Ketchum
Armstrong	Edwards, Ala.	Kluczynski
Ashley	Edwards, Calif.	Kuykendall
Aspin	Ellberg	Kyros
Baker	Erlenborn	Landrum
Barrett	Esch	Latta
Beard	Eshleman	Leggett
Bennett	Evans, Colo.	Lehman
Bevill	Evins, Tenn.	Litton
Bieber	Fish	Long, La.
Bingham	Fisher	Long, Md.
Blatnik	Flood	Lott
Boland	Flowers	Lujan
Bolling	Flynt	McClary
Bowen	Foley	McCloskey
Brasco	Ford, Gerald R.	McCollister
Bray	Forsythe	McCormack
Breaux	Fountain	McDade
Brinkley	Fraser	McEwen
Brooks	Frelinghuysen	McFall
Broomfield	Frey	McKay
Brotzman	Fulton	McKinney
Brown, Calif.	Fuqua	Macdonald
Brown, Mich.	Gaydos	Madden
Brown, Ohio	Gettys	Madigan
Broyhill, N.C.	Gialmo	Mahon
Broyhill, Va.	Gibbons	Mailliard
Buchanan	Gilman	Mallory
Burgener	Ginn	Mann
Burke, Calif.	Goldwater	Maraziti
Burke, Fla.	Gonzalez	Martin, Nebr.
Burke, Mass.	Goodling	Martin, N.C.
Burleson, Tex.	Grasso	Mathias, Calif.
Burlison, Mo.	Gray	Mathis, Ga.
Burton	Green, Oreg.	Matsunaga
Butler	Green, Pa.	Mayne
Byron	Griffiths	Mazzoli
Camp	Grover	Meeds
Carter	Gubser	Metcalfe
Casey, Tex.	Gude	Mezvisinsky
Cederberg	Gunter	Michel
Chamberlain	Guyer	Milford
Chappell	Haley	Miller
Clancy	Hamilton	Mills, Ark.
Clark	Hammer	Mills, Md.
Clausen,	Hammer-	Minish
Don H.	schmidt	Mink
Clawson, Del.	Hanley	Mitchell, Md.
Cleveland	Hanna	Mitchell, N.Y.
Cochran	Hanrahan	Moakley
Cohen	Hansen, Wash.	Mollohan
Collier	Harsha	Montgomery
Conable	Hastings	Moorhead,
Conlan	Hays	Calif.
Conte	Hechler, W. Va.	Calif.
Corman	Heckler, Mass.	Morgan
Cotter	Heinz	Mosher
Coughlin	Helstoski	Moss
Cronin	Henderson	Murphy, Ill.
Culver	Hicks	Murphy, N.Y.
Daniel, Dan	Hillis	Myers
Daniel, Robert	Hinshaw	Natcher
W., Jr.	Hollifield	Nedzi
Daniels,	Holt	Nelsen
Dominick V.	Holtzman	Nichols
Danielson	Horton	O'Byrne
Davis, S.C.	Howard	O'Brien
Davis, Wis.	Huber	O'Hara
de la Garza	Hudnut	O'Neill
Delaney	Hungate	Owens
Dellenback	Hunt	Parris
Dellums	Hutchinson	Passman
Denholm	Ichord	Patten
	Jarman	Perkins

Pettis	Sarbanes	Thomson, Wis.
Pickle	Satterfield	Thone
Pike	Saylor	Thornton
Poage	Scherle	Tieman
Podell	Schneebeli	Towell, Nev.
Powell, Ohio	Schroeder	Ullman
Preyer	Sebelius	Van Deerlin
Price, Ill.	Seiberling	Vander Jagt
Pritchard	Shipley	Vanik
Quile	Shoup	Veysey
Quillen	Shriver	Vigorito
Railsback	Shuster	Waggonner
Randall	Sikes	Waldie
Rangel	Sisk	Walsh
Rarick	Skubitz	Wampler
Regula	Slack	Ware
Reid	Smith, Iowa	Whalen
Reuss	Smith, N.Y.	White
Rhodes	Snyder	Whitehurst
Riegle	Spence	Whitten
Rinaldo	Staggers	Widnall
Roberts	Stanton	Wiggins
Robinson, Va.	J. William	Williams
Robison, N.Y.	Stanton,	Wilson, Bob
Rodino	James V.	Wilson,
Roe	Stark	Charles H.,
Rogers	Steed	Calif.
Roncallo, Wyo.	Steele	Winn
Rooney, Pa.	Steelman	Wolff
Rose	Steiger, Ariz.	Wright
Rosenthal	Steiger, Wis.	Wylder
Rostenkowski	Stokes	Wyman
Roush	Stratton	Yates
Rousselot	Stubblefield	Yatron
Roy	Stuckey	Young, Fla.
Roybal	Studds	Young, Ga.
Runnels	Sullivan	Young, Ill.
Ruppe	Symington	Young, S.C.
Ruth	Talcott	Young, Tex.
Ryan	Taylor, N.C.	Zablocki
St Germain	Teague, Calif.	Zion
Sandman	Teague, Tex.	Zwach
Sarasin	Thompson, N.J.	

NAYS—9

Ashbrook	Crane	Symms
Blackburn	Gross	Treen
Collins	Landgrebe	Wylie

NOT VOTING—51

Anderson, Ill.	Ford,	Mizell
Badillo	William D.	Moorhead, Pa.
Bafalis	Frenzel	Nix
Bell	Froehlich	Patman
Bergland	Hansen, Idaho	Pepper
Biaggi	Harrington	Peyser
Brademas	Harvey	Price, Tex.
Breckinridge	Hawkins	Rees
Carney, N.Y.	Hébert	Roncallo, N.Y.
Carney, Ohio	Hogan	Rooney, N.Y.
Chisholm	Hosmer	Stephens
Clay	Karth	Taylor, Mo.
Conyers	King	Udall
Davis, Ga.	Koch	Wilson,
Dorn	Lent	Charles, Tex.
Downing	McSpadden	Wyatt
Fascell	Melcher	Young, Alaska
Findley	Minshall, Ohio	

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Anderson of Illinois.

Mr. Brademas with Mr. Harvey.

Mr. Biaggi with Mr. King.

Mr. Fascell with Mr. Bafalis.

Mr. Koch with Mr. Hosmer.

Mr. Nix with Mr. Pepper.

Mrs. Chisholm with Mr. Rees.

Mr. Moorhead of Pennsylvania with Mr. Wyatt.

Mr. Hawkins with Mr. Carey of New York.

Mr. Badillo with Mr. Conyers.

Mr. Carney of Ohio with Mr. Clay.

Mr. Dorn with Mr. Findley.

Mr. Downing with Mr. Lent.

Mr. Karth with Mr. Frenzel.

Mr. Melcher with Mr. Hansen of Idaho.

Mr. Bergland with Mr. Froehlich.

Mr. William D. Ford with Mr. Minshall of Ohio.

Mr. Harrington with Mr. Bell.

Mr. Hébert with Mr. Hogan.

Mr. Davis of Georgia with Mr. Mizell.

Mr. Udall with Mr. Peyser.

Mr. Breckinridge with Mr. Price of Texas.

Mr. Young of Alaska with Mr. Roncallo of New York.

Mr. McSpadden with Mr. Taylor of Missouri.

Mr. Stephens with Mr. Charles Wilson of Texas.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR THE COMMITTEE ON WAYS AND MEANS

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 263 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 263

Resolved, That, effective from January 3, 1973, the expenses of the investigations and studies to be conducted by the Committee on Ways and Means, acting as a whole or by subcommittee, not to exceed \$125,000 including expenditures for the employment of investigators, attorneys, individual consultants or organizations thereof, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. However, not to exceed \$50,000 of the amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(1) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(1)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Ways and Means shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the resolution be dispensed with and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, this resolution relates to the Committee on Ways and Means, calling for \$125,000, an increase of \$5,000 over their traditional request, the reason being for the necessary addition agreed to by the committee's chairman, the gentleman from Arkansas (Mr. MILLS), and by the gentleman from Pennsylvania (Mr. SCHNEEBELI) for a professional staff.

Mr. Speaker, the Committee on Ways and Means has undertaken a tremendous responsibility in a complete revision and study of the tax laws. They have in excess of 125 witnesses to hear, and they need the additional staff assistants, professional assistants, very badly.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR THE COMMITTEE ON GOVERNMENT OPERATIONS

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 277 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 277

Resolved, That, effective from January 3, 1973, the expenses of the investigations and studies to be conducted pursuant to rule XI (8) and H. Res. 224 of the Ninety-third Congress, by the Committee on Government Operations acting as a whole or by subcommittee, not to exceed \$1,219,700, including expenditures for the employment of investigators, attorneys, individual consultants or organizations thereof, and clerical, stenographic, and other assistants, which shall be available for expenses incurred by said committee or subcommittee within and without the continental limits of the United States, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. However, not to exceed \$100,000 of the amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(1) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(1)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Government Operations shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the resolution be dispensed with and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, this resolution relates to the Committee on Government Operations chaired by the distinguished dean of the California delegation, the gentleman from California (Mr. HOLIFIELD).

Again it was agreed to completely by the ranking minority member. It calls for \$1,219,700, again representing an increase caused by the staffing of subcommittees, the 5.5-percent pay raise, and an increase in the minority staff.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. As I understand it, this is an increase of \$187,000. I know the chairman of this committee is very conscientious and I know he tries to keep costs in line. I wonder if we could have a brief explanation of the reason for this.

Mr. THOMPSON of New Jersey. Mr. Speaker, if I may, I will yield to the distinguished chairman of the committee for that purpose, the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Speaker, as the gentleman from California knows, in the last 2 years we have handled our funds in such a manner that we actually have refunded to the Treasury at the end of last year something like \$162,000 and I believe a similar amount at the end of the prior year. However, we are asking for more money at this time. We plan to increase the staff in view of the heavier workload, and we have the recommendations of the Procurement Commission, which are now in our hands. We feel that we must have enough assistance to really process these recommendations. We believe that we can save several billion dollars. Our record in the last few years which we have presented to the Committee on House Administration shows the savings which we believe we can justify and document. Other savings that have resulted from the last 2 years of work, and some ongoing savings based on work done in previous years, amount to about \$3 billion for the 92d Congress.

So we feel that any investment that we may make at this time in additional help is justified.

I might also say that we have been in my opinion generous in providing additional help to the minority over what they had before, and that is to the satisfaction of my colleague, the gentleman from New York (Mr. HORTON) who is now at the microphone on the other side of the aisle.

We believe that we will be able to make tremendous savings with this additional amount of money that we are asking for this year. I can assure the Members that it will be expended carefully, and if we do not use it all we will turn it back, as we have done in the last 2 years.

Mr. ROUSSELOT. Mr. Speaker, I thank the gentleman from California for explaining his past record, and why and for what he thinks the present money is needed.

I would be interested in hearing from the minority.

Mr. THOMPSON of New Jersey. Mr. Speaker, I might make this one comment: that this committee I believe made the most extensive presentation of any of the committees, all of which were very thorough. Each and every subcommittee chairman was there, and my distinguished friend, the ranking member, the gentleman from New York (Mr. HORTON) was there.

I now yield to my distinguished friend, the gentleman from New York (Mr. HORTON).

Mr. HORTON. Mr. Speaker, I thank the gentleman for yielding.

I would first like to confirm the remarks that the chairman, the gentleman from California (Mr. HOLIFIELD) made, and agree with them.

This committee, as the gentleman from California knows, and as every Member of the House knows, is the committee that is responsible for oversight, and which is basically an investigative committee.

The chairman and I consulted before this proposed budget was submitted, and we spent many hours working together on the budget. It was the feeling of the chairman and also my feeling that the subcommittees ought to be more active than they have been in the past, and that they ought to have more minority staffing. At the present time on the minority side we have now authorized additional professional staffing which we believe will be adequate to handle the subcommittee work that we have. We have an increase of two professional members of the staff, and one clerical, as far as the minority is concerned. I talked this over with the ranking minority member on each of the subcommittees, and they were in accord with the requests that were made.

I feel that this is a very important committee. I support the amount that has been requested by the chairman, and hope that the House will approve it.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, if I understand the gentleman from New York correctly, then part of this additional increase in funding will go for minority staffing?

Mr. HORTON. Mr. Speaker, the gentleman is correct. As a matter of fact, the two professional staff members have been authorized with an amount for each of \$25,000, which I think is very adequate.

Mr. ROUSSELOT. Mr. Speaker, I want to compliment the gentleman from California (Mr. HOLIFIELD) because I know that the gentleman has been conscientious each year in turning money back when that money has not been utilized. I hope that other committees could do the same.

I thank the gentleman for yielding.

Mr. THOMPSON of New Jersey. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR THE COMMITTEE ON RULES

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 301 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 301

Resolved, That, effective January 3, 1973, in carrying out its duties during the Ninety-

third Congress, the Committee on Rules is authorized to incur such expenses (not in excess of \$5,000) as it deems advisable. Such expenses shall be paid out of the contingent fund of the House on vouchers authorized and approved by such committee, and signed by the chairman thereof.

Sec. 2. Funds authorized by the resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, this is the traditional request by the Committee on Rules for the sum of \$5,000. The distinguished chairman, Mr. MADDEN, and the distinguished minority ranking member, the gentleman from Illinois (Mr. ANDERSON), are in agreement.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR THE SELECT COMMITTEE ON SMALL BUSINESS

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 190 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 190

Resolved, That, effective from January 3, 1973, the expenses of the investigations and studies to be conducted pursuant to H. Res. 19, by the permanent Select Committee on Small Business, acting as a whole or by subcommittee, not to exceed \$563,000, including expenditures for the employment of investigators, attorneys, individual consultants or organizations thereof, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. However, not to exceed \$40,000 of the amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(1) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(1)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

Sec. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the permanent Select Committee on Small Business shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

Sec. 3. Funds authorized by this resolution

shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, this resolution relates to the Select Committee on Small Business. Again we have agreement between the majority and the minority, the ranking minority member and the chairman. It represents a very modest increase, for an increase in the minority staff and the 5.5-percent pay raise.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 219 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 219

Resolved, That (a) effective January 3, 1973, the Committee on Standards of Official Conduct is authorized, in carrying out its functions and duties under the rules of the House, to incur such expenses, not to exceed \$25,000, as the committee considers appropriate, including expenditures—

(1) for the employment of committee staff personnel; and

(2) for the procurement of services of individual consultants or organizations thereof pursuant to section 202(1) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(1)).

Such expenses shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration.

(b) Not to exceed \$18,500 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(1) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(1)); but this monetary limitation shall not prevent the use of such funds for any other authorized purpose.

Sec. 2. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, this resolution relates to the Committee on Standards of Official Conduct. It represents no increase over the previous Congress and, again, there was complete agreement between the distinguished chairman, the gentleman from Illinois (Mr. PRICE), and the distinguished ranking minority member, the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR THE EXPENSES OF COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 303 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 303

Resolved, That effective from January 3, 1973, the expenses of the investigations and studies to be conducted pursuant to H. Res. 182, by the Committee on Interstate and Foreign Commerce, acting as a whole or by subcommittee, not to exceed \$1,180,000 including expenditures for the employment of investigators, attorneys, individual consultants or organizations thereof, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. However, not to exceed \$50,000 of the amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(1) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(1)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

Sec. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Interstate and Foreign Commerce shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

Sec. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, House Resolution 303 is for the Committee on Interstate and Foreign

Commerce. There is represented in it a modest increase, again due to increased minority staffing and the 5.5-percent pay raise. There was unanimity and agreement between the distinguished chairman and the distinguished ranking minority member.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 261 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 261

Resolved, That effective January 3, 1973, the expenses of the investigations and studies to be conducted pursuant to House Resolution 180, by the Committee on Post Office and Civil Service, acting as a whole or by subcommittee, not to exceed \$638,000, including expenditures for the employment of investigators, attorneys, individual consultants or organizations thereof, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. However, not to exceed \$80,000 of the amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(1) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a (1)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Post Office and Civil Service shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee in House Administration under existing law.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, House Resolution 261 relates to the Committee on Post Office and Civil Service. Again, there was complete agreement on increasing the minority staff and on the need to give the employees the 5.5-percent pay raise.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR THE SELECT COMMITTEE ON THE HOUSE RESTAURANT

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 202 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 202

Resolved, That effective January 3, 1973, expenses incurred by the Select Committee on the House Restaurant, pursuant to H. Res. 111 not to exceed \$33,500, including expenditures for the employment of clerical, stenographic, and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(1) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a (1)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration.

SEC. 2. The chairman of the Select Committee on the House Restaurant shall furnish the Committee on House Administration information with respect to the activities of the select committee intended to be financed from the funds authorized by this resolution.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the resolution and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, House Resolution 202 relates to the Select Committee on the House Restaurant, chaired by the distinguished gentleman from Illinois (Mr. KLUCZYNSKI). The amount is indeed modest in the light of the responsibilities of the committee. It was agreed to by the majority and the minority and represents simply the employment of two persons.

Mr. WYLIE. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Speaker, I would like to comment briefly. I would like to commend somebody for this resolution and for the decrease in the amount of money requested for this first session of the 93d Congress. I note there is a decrease of \$9,500 in the requested authorization. I want to commend somebody wherever you are. This is the only committee which asks for a decrease, with the exception of the Armed Services Committee and the Agriculture Committee, and service has improved.

Mr. THOMPSON of New Jersey. Mr. Speaker, I thank the gentleman from Ohio for his comments.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING ADDITIONAL FUNDS FOR THE COMMITTEE ON EDUCATION AND LABOR

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 225 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 225

Resolved, That the expenses of a special investigation and study of welfare and pension plans to be conducted by the Committee on Education and Labor, acting as a whole or by subcommittee, not to exceed \$220,000, including expenditures for the employment of investigators, attorneys, individual consultants or organizations thereof, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed \$50,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(1) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(1)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

Such \$220,000 shall be available and allocated to the General Subcommittee on Labor in connection with its present study and investigation of private pension and welfare funds pursuant to H.R. 2, H.R. 462, and related bills. Particular need has been demonstrated to continue a professional study of vesting, funding, portability, benefit insurance, fiduciary responsibility, adequate disclosure, and other aspects related to the effectuation of private pension and welfare plans as a meaningful supplement to the social security system.

The General Subcommittee on Labor, through the Committee on Education and Labor, shall report to the House as soon as practical during the present Congress the results of its investigation and study with such recommendations as it deems advisable.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Education and Labor shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the resolution and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, this request is for a special subcommittee of the Committee on Education and Labor, chaired by the distinguished gentleman from Pennsylvania (Mr. DENT), and the ranking minority member is the distinguished gentleman from Illinois (Mr. ERLBORN). This subcommittee has undertaken a comprehensive review of the literally thousands of pension plans which exist in industry and elsewhere in the United States. It has a bipartisan staff. The increase is dictated by the determination of the distinguished gentleman from Pennsylvania to expedite the completion of the committee's work and of its study.

Mr. WYLIE. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I notice that the requested authorization has more than doubled for this select subcommittee of the Committee on Education and Labor. This is in addition to the \$1.8 million requested by the Committee on Education and Labor for its normal functioning, as I understand it.

Mr. THOMPSON of New Jersey. Yes. This select subcommittee's chairman is here and I will yield to him to describe its activities, but I yield now to the ranking minority member, the gentleman from Illinois (Mr. ERLBORN), for debate only.

Mr. ERLBORN. Mr. Speaker, I thank the gentleman from New Jersey for yielding.

Mr. Speaker, let me explain to my colleagues that we are asking for more money this year, but the study in the 92d Congress ran for only 1 year. The authorization came toward the end of the first session of the last Congress, and the study began really about January of 1972. As a matter of fact, those funds were insufficient. As the gentleman from Pennsylvania (Mr. DENT) will tell the Members, one of the people on the staff was on my payroll, rather than on the committee payroll, to conserve the study funds.

We also discovered that it was necessary to contract out some of the work. We had a computer study conducted by Professor Winkelvoss of Wharton School, which has recently been published by our subcommittee. I might point out something rather unique about our study; that is, that under the direction of our chairman, the distinguished gentleman from Pennsylvania (Mr. DENT), we utilized the computer facility we have in the House, rather than contracting that part of work. We had the computer programming done by the expert and we utilized our own computer facility in the House to actually conduct the study.

We believe there is a dire need for further contracting and for further work by the staff in the highly complex areas of vesting, funding, affordability, and termination insurance, where questions

have been asked for years, but where very few answers have been forthcoming.

Computer studies are the only way, I believe, we can really get the answers we need to base a good bill upon, which I hope will come out of this.

Mr. THOMPSON of New Jersey. I would like to ask the gentleman a question. Approximately how many private pension plans are there in the United States?

Mr. ERLBORN. Nobody knows exactly how many there are, but those that are required to report to the Office of Labor-Management and Welfare-Pension Reports of the Department of Labor number about 139,000. These are the plans which have 26 participants or more. Those with fewer participants are not required to report.

Mr. WYLIE. Will the gentleman yield for another question?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Ohio.

Mr. WYLIE. Was this study authorized by a resolution of this House, or was the subcommittee and its functions established by the chairman of the Committee on Education and Labor? Why is the requested authorization to fund it not included in its authorization? Why is it a separate item?

Mr. THOMPSON of New Jersey. This subcommittee was constituted after hearings before the Committee on Rules, and it is authorized by the Committee on Rules and by the House.

Mr. WYLIE. A special subcommittee?

Mr. THOMPSON of New Jersey. Yes.

Mr. WYLIE. Is there any time limit on how long the subcommittee is to be in existence?

Mr. THOMPSON of New Jersey. Not to the knowledge of the gentleman from New Jersey.

Mr. DENT. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Pennsylvania.

Mr. DENT. We anticipate that before the end of this year we will resolve the problem of the costing out, but the one phase that has us rather up a tree now is the reinsuring.

With the last money we had we resolved two issues. One was the vesting and the other was the funding.

Now we have before us three very serious questions: First, the reassuring; second, the compulsory maintenance of a fund by a pension plan by the employers; and third, affordability.

We expect to finish all the work before the 2 years is up.

Mr. THOMPSON of New Jersey. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR COMMITTEE ON SCIENCE AND ASTRONAUTICS

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House

Resolution 270 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 270

Resolved, That effective from January 3, 1973, the expenses of the investigations and studies to be conducted pursuant to House Resolution 253, by the Committee on Science and Astronautics, acting as a whole or by subcommittee, not to exceed \$380,000, including expenditures for the employment of investigators, attorneys, individual consultants or organizations thereof, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. However, not to exceed \$25,000 of the amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(1) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(1)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

Sec. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Science and Astronautics shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

Sec. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, these moneys are for the Committee on Science and Astronautics chaired by the distinguished gentleman from Texas, the chairman of the Democratic caucus (Mr. TEAGUE).

He and his ranking member are in complete agreement. The minority is properly staffed and adequately staffed, and it is an amount not in excess of that used in the past.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR COMMITTEE ON VETERANS' AFFAIRS

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 149 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 149

Resolved, That effective January 3, 1973, the expenses of the investigation and study

authorized by H. Res. 134 of the Ninety-third Congress incurred by the Committee on Veterans' Affairs, acting as a whole or by subcommittee, not to exceed \$150,000, including expenditures for the employment of experts, consultants, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman thereof and approved by the Committee on House Administration. Not to exceed \$18,000 of the amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(1) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(1)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. The official stenographers to committees may be used at all meetings held in the District of Columbia unless otherwise officially engaged.

SEC. 3. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Veterans' Affairs shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the resolution and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, House Resolution 149 is for the Committee on Veterans' Affairs, chaired by the distinguished dean of the South Carolina delegation (Mr. DORN).

This is an extremely modest request of \$150,000, the same as in the first session of the last Congress. The minority is suitably and adequately staffed, and there is complete agreement on it.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR COMMITTEE ON AGRICULTURE

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 302 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 302

Resolved, That, effective from January 3, 1973, the expenses of the investigations and studies to be conducted pursuant to H. Res. 72, by the Committee on Agriculture, acting as a whole or by subcommittee, not to exceed \$150,000, including expenditures for the employment of investigators, attorneys, individual consultants or organizations there-

of, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. However, not to exceed \$12,500 of the amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(1) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(1)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Agriculture shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the resolution and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, House Resolution 302 is for the Committee on Agriculture, chaired by the distinguished gentleman from Texas (Mr. POAGE). The ranking minority member is the distinguished gentleman from California (Mr. TEAGUE).

Initially the resolution was offered for a period of 2 years. It was reduced to a period of 1 year.

The gentleman from California (Mr. TEAGUE), and the gentleman from Texas (Mr. POAGE), are in complete agreement on this. Again, the minority is adequately staffed, and the gentleman from California (Mr. TEAGUE) is very satisfied.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Washington.

Mr. FOLEY. I should like to ask the distinguished chairman of the subcommittee if the request for the Committee on Agriculture reflects a request for appropriate positions to provide each subcommittee with the one staff person which the Democratic caucus indicated should be the standard in the House?

Mr. THOMPSON of New Jersey. In answer to that I may say to the gentleman it does not. There are 10 subcommittees of the Committee on Agriculture. The request does not represent an amount sufficient to fund each of those subcommittees with one professional, as the law calls for.

Mr. FOLEY. I would ask the distinguished chairman one further question, if he will yield further. In the event that an appropriate request is made for subcommittee staffing in accordance with custom and practice followed by most other subcommittees, would that be a

matter for consideration by the gentleman's subcommittee?

Mr. THOMPSON of New Jersey. The answer is "Yes."

I might say for the benefit of Members of the House that it is a matter of policy between the majority and the minority on the Committee on House Administration at any time to entertain a money resolution, if that money resolution can be justified. It would receive suitable consideration.

Mr. FOLEY. I thank the gentleman.

Mr. THOMPSON of New Jersey. Many of these requests, although the amounts seem rather large, are barely adequate, and we would anticipate the real possibility of the justification of more moneys for extensive legislative purposes or otherwise, particularly for subcommittee staffing.

Mr. WYLIE. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Ohio.

Mr. WYLIE. I notice that this request actually represents a decrease of \$100,000 compared to the first session of the 92d Congress. It is a decrease, actually. I believe perhaps we ought to find out from the distinguished chairman of the Committee on Agriculture how he did it.

Mr. THOMPSON of New Jersey. I can tell the gentleman. A mistake was made in the last Congress, and the initial resolution was for 2 years.

That, the gentleman from New Jersey confesses, was an oversight on his part, a misinterpretation of the law as I now understand it.

And so we simply cut it in half.

Mr. WYLIE. I understand that. Will the gentleman yield further for a question?

Mr. THOMPSON of New Jersey. Certainly.

Mr. WYLIE. But the expenditures are still less than the amount asked? This is for \$150,000, which is \$15,000 less?

Mr. THOMPSON of New Jersey. Yes. I will say for the chairman of the committee, the gentleman from Texas (Mr. POAGE), that he watches his money with extreme care, and the gentleman has a long, long record of turning relatively modest amounts back. As a matter of fact, on December 31, 1972, the committee turned back \$84,000.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield further to the gentleman from Washington (Mr. FOLEY).

Mr. FOLEY. In view of the discussion the gentleman has just had with the distinguished Member on the minority side—and I might say I hope the chairman of the Agriculture Committee is in the Chamber—I would just like to say that as a member of the Committee on Agriculture, I would like to join in complimenting the distinguished chairman for watching committee expenses so carefully. Indeed, I think he watches them far too carefully.

In but two areas of its jurisdiction—food stamps and commodity programs—the Agriculture Committee has the responsibility for authorizing legislation

that involves expenditures by the Treasury of the United States of something in excess of \$6 billion a year. That yearly figure is more than 10 times greater than the total cost of the congressional branch of the Government.

Mr. Speaker, in my judgment, as a member of the Agriculture Committee, the present staff level of the committee is totally inadequate. The quality of the existing staff is excellent but I hope to persuade the chairman and the other members of the committee that some sharp increase in the number of staff employed by the committee is necessary for the proper functioning of its legislative and oversight responsibilities.

Mr. Speaker, I thank the gentleman.

Mr. THOMPSON of New Jersey. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the several resolutions just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

FUTURE OF AMTRAK DEPENDS ON RESTORATION OF AMERICAN RAILROADS

(Mr. ADAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADAMS. Mr. Speaker, I have had an opportunity to review the Secretary of Transportation's report to the Congress on Amtrak. The informative and well-done report contains encouraging news for those of us who supported the Rail Passenger Service Act at a time when the end of all intercity rail passenger service seemed to be only a matter of time. I am glad to note that the Secretary of Transportation recommends the continuance of almost all the basic routes now operated by Amtrak and that the Administration will support additional funding to maintain this needed service. It is most significant that the report shows that train riders have increased by 11 percent, that revenues are increasing, and that Amtrak's deficit is decreasing. It is clear that the public will use efficient, well run train service. I believe that former Secretary John Volpe, now our Ambassador to Italy, should be particularly pleased with the recommendations to this report, for the creation of Amtrak owes much to his vigorous advocacy of intercity rail passenger service.

Not all the news about Amtrak is good, however. Within the past week there have been three accidents involving Amtrak trains. Two of these accidents were due to failure of track and roadbed. The most tragic was the derailment of

the Broadway Limited in which one passenger was killed. The Super Chief was derailed in Kansas, fortunately with no reported injuries. These accidents dramatize one of the basic problems which Amtrak faces in trying to provide fast and efficient service. The track and roadbed over which its trains must operate in many areas is in such poor condition that trains must operate at slow speeds. The two derailments demonstrate that this poor state of repair not only hampers the efficiency of the trains, but can be a threat to safety. The DOT report analyzes the causes of late arrivals on Amtrak trains and shows that 46 percent can be attributed to track-related delays, such as "slow orders," maintenance of way work, or signal failures.

Amtrak is basically using existing technology and equipment. The improvement in ridership has been accomplished by doing the obvious: Refurbishing equipment, accepting credit cards, computerizing ticket systems, and just plain answering the telephone. However, Amtrak has not been able to escape from the shackles of the past. The increasingly poor maintenance of track and roadbed by the railroads directly affects the performance of Amtrak and its ability to attract customers, and any substantial new improvements mean we must improve the basic roadbed.

The problems that the physical condition of the railroads have created for Amtrak and its passengers underscores the need for a broad scale program to repair and restore these vital transportation arteries. The future of Amtrak depends on the basic health of the rail system it uses. I believe that the Congress should consider the legislative recommendation of DOT for the future of Amtrak within the context of an overall program.

The foundation for such a program is the Surface Transportation Act (H.R. 5385) which would provide the necessary capital from the private sector for investment by railroads in their basic plant. Government guarantee of loans will generate these financial resources for marginally profitable railroads. By using this basic investment these still solvent railroads can avoid the morass of bankruptcy in which the railroads of the Northeast are now mired.

As part of this broad approach, the Congress must shortly devise a solution to the railroad crisis in the Northeast. On February 28, I introduced the Essential Rail Service Act (H.R. 4897), which would establish a public corporation to acquire the rights of way of the bankrupt railroads in the Northeast. Privately owned rail carriers would continue to operate over the lines owned, restored, and maintained by the Northeast Rail Line Corporation and so could Amtrak. This legislation would meet head on the problem of deteriorating roadbed and facilities by providing a public mechanism for a Federal investment in essential rail systems. This investment would in part be recovered by user charges paid by private rail carriers using these lines. I am happy that many of my colleagues in the regions served by the Penn Central and the other bankrupt railroads

see the merit in the concept of public ownership of rail rights of way. I am therefore reintroducing today the Essential Rail Services Act with the following cosponsors: Mr. BOLAND, Mr. BURKE of Massachusetts, Mr. HELSTOSKI, Mr. HOWARD, Mr. MOAKLEY, Mr. POBELL, Mr. THOMPSON, Mr. TIERNAN, Mr. STUBBS, and Mr. YATRON.

Piecemeal, short-term solutions to the problems of the railroads will no longer suffice. I believe that the Surface Transportation Act is the basis for a long-range solution which will preserve the solvency and viability of the privately owned railroad system, and the solution for the bankrupt railroads of the Northeast which face cessation of operations and outright liquidation if they are not successfully reorganized should be part of this solution.

There would be little purpose in continuing to fund Amtrak if there were no tracks left over which it could operate—and the Penn Central lines account for 15 percent of Amtrak's route miles and 40 percent of its passenger miles. The Essential Rail Services Act could be the means of saving rail service in the Northeast by a combination of Government ownership of rights of way and private operation of trains.

The early returns from Amtrak show that this experiment can be successful. However, a failure to deal with the basic problems of the railroad industry could end the successful revival of intercity passenger service. At a time of energy crisis, when gasoline shortages are already predicted for the summer travel months, the train becomes more than a luxury. It is a necessary alternative to the passenger car and a means of travel which should be preserved and expanded.

WHEAT CAPER STORY IS NOT ALL TOLD

(Mr. MELCHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, last fall, at my request, the General Accounting Office undertook an inquiry into the U.S. sale of grain to Russia. The GAO gave us a very preliminary report on November 3 indicating that Department of Agriculture management of the export subsidy program was extremely careless and slipshod.

Last week, Comptroller General Elmer Staats appeared before the Senate Committee on Agriculture and Forestry and reviewed some of his agency's findings in regard to the Russian wheat transactions. He severely criticized the Department of Agriculture for its mismanagement of the wheat export subsidy program and its failure to advise American farmers—as it has a legal responsibility to do—of the world situation in regard to wheat so they could market their own wheat wisely.

The GAO reported that, and I quote—

There were clear signals from overseas and other sources concerning Russia's poor crop prospects and the dominant U.S. wheat supply situation. But, this information was not effectively used in Agriculture's decision-making.

At another point, Staats told the Senators:

In the sales of wheat to Russia, for example, Agriculture officials stated they did not know the magnitude of sales made and did not attempt to find out, even though such information obviously was of great importance to wheat sellers.

I want to deal at more length with the GAO findings, but, Mr. Speaker, I think this matter of what the Department of Agriculture knew and did not know about the size of the Russian wheat sales is of crucial importance, and needs to be explored considerably further than it has been by this Congress, if necessary. The Livestock and Grains Subcommittee of the House Agriculture Committee took a preliminary look at the deal last year. It is necessary that the subcommittee reopen those hearings, complete the record, dig out missing facts, and make a full report to the public.

It is incredible that U.S. Department of Agriculture officials, faced with a 900 million bushel wheat carryover, low grain prices, and an election coming up, had no curiosity whatever about the size of the Russian wheat sale. Can we really believe that line?

It is incredible that public officials—even those at the Department of Agriculture today—would make a commitment to provide export subsidies that might run into hundreds of millions of dollars without even making any inquiry whatever about whether 100 tons of wheat was involved, or 10 million tons. Can we really believe that line?

It is incredible that a private grain concern would enter into a contract for millions of tons of wheat on an oral commitment for export subsidies that would insure it against tens of millions of dollars in losses without advising that official whether one bushel or 1 billion bushels was involved.

That point was so incredible that I made some inquiry about it myself. By their own account, on July 5 Continental Grain Co. sold Russia 4 million tons of wheat, which is 150 million bushels, and has been described by the company as the largest single grain transaction in the history of the world. I was assured by Continental that the fact that huge quantities were involved was known to officials in the Department of Agriculture when the first sale was made in early July, and further that the FBI had information in that regard, in fact, a statement made during official investigation by FBI and interrogation of the grain companies.

Because I had requested the GAO inquiry, I relayed my information to the GAO. They requested any available information from the FBI but, unlike the White House, which had daily access to all the FBI's evidence in the Watergate case, the FBI refused to work with or give information to the GAO.

The GAO advised me that when they questioned the source of my information, they were advised that the company had made a statement to the FBI and, since litigation was pending, they could not answer the question directly.

The FBI has not denied to me that it

has the statement in question, but denies me access to their transcript or any other records of their interview with the company and sale in question.

Parenthetically, Mr. Speaker, we need to find out why the White House is kept in touch daily with FBI investigations in which it is involved, but the FBI refuses to cooperate with the GAO.

The Department of Justice has informed me that one reason that they cannot release their records to me is that one of the companies refused to discuss the grain sales with them unless assured of confidentiality; without that assurance they indicated they would just as soon wait to go before a grand jury.

We are confronted with the very odd situation that neither the GAO nor the Department of Justice can or will make a positive determination of the validity of my information—that officials of the Department of Agriculture were told and did know the magnitude of the sale involved at the time they agreed to underwrite and protect one of the big grain dealers with subsidies on a \$1.63 to \$1.65 per bushel wheat price.

There is work still to be done in connection with the Russian wheat deal.

Congress certainly needs to take a look at how export subsidies are mismanaged and mishandled.

And Congress needs to take a look at just how thorough the Federal Bureau of Investigation's inquiry into the Russian deal actually was.

A final determination on the point I have raised—the exact extent of USDA's information on the magnitude of the sale—is important for, if my information is correct, the subsequent public releases which USDA made, indicating to farmers and the public that there was nothing greatly abnormal about export demand—were not a result of stupidity and incompetence which USDA officials are pleading as their defense, but of dishonesty with the public.

Unable to get a positive answer in regard to how much information USDA was given on the size of the sale, the GAO confines itself to reporting that "Agriculture officials stated they did not know and did not attempt to find out" its size.

Even on that basis, Mr. Staats charged the Department, in his Senate appearance, with failure to exercise even the most rudimentary sort of good judgment and good management practices in its handling of the transactions.

The Department did not relay to farmers, ranchers, and the public what information it did have, or properly assess the information known to be available to it, the GAO charges. It made subsidy arrangements which permitted shrewd Russian traders to get a bonanza at a cost of several hundred millions of dollars to our farmers, consumers, and taxpayers. And it paid out subsidies without the most elementary sort of information or checking on claims.

Mr. Staats supported these statements in his Senate testimony, citing information about Russia's crop situation available to USDA, and stating:

But this information was not effectively used or disseminated. Farmers were not generally provided timely information with ap-

propriate interpretive comments to assist them in arriving at sound marketing decisions . . .

Mr. Staats continued:

In the sales of wheat to Russia, for example, Agriculture officials stated they did not know the magnitude of sales made and did not attempt to find out, even though such information obviously was of great importance to wheat sellers. This coupled with an inaccurate assessment of Russian purchases, precluded Agriculture from realistically advising the public about wheat marketing prospects. Thus, Agriculture reports presented a distorted picture of market conditions.

As the price of wheat climbed during the summer months, the export subsidy also climbed. Its record high was 47 cents a bushel from August 25 to September 1, 1972, and in that period alone it will cost the U.S. Treasury \$128 million to pay the subsidies registered.

Management improvements are needed and Mr. Staats outlined them. It behooves us here in the House to take seriously those recommendations to avoid what has been a totally incompetent operation on the part of the Department, which is trusted with the handling of billions of taxpayers' money available to the Commodity Credit Corporation.

Here are a number of corrections that Staats urges:

A subsidy registration contract exists when wheat is offered for export and accepted by CCC. Exporters collect on subsidy registrations upon submitting documents that shipments have been made. An October 1967 change in the program's regulations allowed exporters to apply shipments to any open subsidy registration and to register for subsidy at any time, whether a sale had been made or not. Exporters choosing to register before or after making sales could gain or lose on the subsidy, depending on whether it went up or down.

The speculative aspects of the subsidy registration system are illustrated by five examples noted where exporters delayed registering for up to 4 weeks after making sales. In these examples CCC will pay exporters subsidies totaling about \$604,493, whereas had the exporters registered on the sales dates the subsidies would have totaled \$286,188, or \$318,305 less . . .

To collect the carrying-charge increment, exporters submit evidence of shipment and certification of sale showing the sales contract date, amount, buyer, and shipping date. Records show that sales contracts cited as supports for payments frequently called for shipments within a few days. The registrations such shipments were applied to, however, were sometimes dated up to 7 months earlier, resulting in significant payments.

Exporters view the carrying-charge increment as a cushion against possible losses or as additional profits. Two exporters estimated that they realized additional revenues of about 5 cents for each bushel exported. This compares with net profit in the trade of about 1.5 cents a bushel. In a cursory review of 1972 files, we found 28 instances totaling \$380,000 where the sales contracts cited as support for payment called for shipment within a few days after the date of sale . . .

The weaknesses we observed in the wheat export subsidy program are largely attributable to Agriculture's failure to develop a management evaluation system to ascertain whether subsidies involved in wheat exports were achieving program objectives effectively and economically.

Attempts to evaluate the program have been made only during crises, such as after the sales to Russia, and then only on a lim-

ited basis. Officials claimed that the complexity of the program precluded effective examination. We recognize the complexities involved. Nevertheless, the substantial expenditures of Government funds to meet wheat export objectives compels Agriculture to assess program results. In its absence effective management actions are impaired.

Vital information on the operations of the subsidy program was generally unavailable. Agriculture had not deemed it necessary to develop information basic to program management. When data was available, meaningful summaries could be obtained only by manually reviewing voluminous files. This data void is crucial because, without key information, Agriculture is unable to make management decisions necessary to effectively and efficiently administer the subsidy program.

Beyond the very crucial point I have emphasized, there is a good deal of oversight work that needs doing to determine what reforms, if any, are being developed and instituted by USDA, or if it is letting the whole matter drop because no subsidies are being paid right now.

That is the old theory that the roof does not need repair when it is not raining, and is hardly an adequate excuse for ignoring what the GAO has found that needs reform.

The administration is clearly heading into a price war with other Nations for agricultural commodity export business. There will be export subsidies required again. When they are, USDA should be prepared to manage the program in a businesslike way.

REAP FOR THE RICH

(Mr. TEAGUE of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. TEAGUE of California. Mr. Speaker, perhaps my colleagues will recall that several weeks ago I wrote to each of you pointing out that the REAP program has outgrown its original purpose and has more and more evolved into a subsidy operation rather than a program for conserving soil and water.

A recent article in the Chicago Tribune written by Bill Anderson has come to my attention. It points out some glaring abuses of the program, and I therefore commend this article for your attention.

U.S. BOUNTY AIDS 252 "RICH" FARMS
(By Bill Anderson)

WARRENTON, VA.—This is where people come for the Gold Cup, an annual horse race on a huge estate in Fauquier County, a place near the Appalachian Trail and National Forests set in the rolling hills of the Blue Ridge Mountains.

There are about 600 farms in this large county, and most of them are larger than Chicago's Loop. The air is clean and fresh, and there is nothing here that remotely resembles poverty or the old dust bowl farming portrayed in "The Grapes of Wrath."

Yet, there are 252 farms in Fauquier County that will be greener this spring because the federal government spent \$65,000 on them last year in a program that grew out of the plight of farmers during the dust bowl days. The federal dollars were part of a spending program of the Rural Environmental Assistance Program (REAP), currently the object of what amounts to a pilot fight between the executive and the legislative branches of the government.

The father of REAP was born in 1936 as a conservation program funded at \$374 million. In the early days, the money went for soil saving projects of small farmers, water development, and tree planting. There are literally thousands of acres of land in the United States that are green today as a result of the program.

By 1944, as times changed, the program became strictly conservation. Spending continued at the rate of about 200 million dollars a year until 1970, when the executive branch began to run into budget problems. On Dec. 22, 1972, the Nixon administration terminated the funding (except for prior commitments) after it dropped to the \$140 million level.

In essence, a large number of congressmen said: "You can't do this to us." The Washington Post, a newspaper highly critical of the Nixon administration, has given extensive coverage to the REAP issue. One story was headlined, "As Ye Sow, So Shall Ye REAP."

Since Fauquier County is only an hour and a half by auto from Washington, the Post has considerable influence in the county—as well as among prominent, politically-connected residents who live here. About 50 of the 252 farms receiving money from REAP last year are owned by people who live in Washington.

One of these places is owned by Mrs. Joseph W. Barr, wife of the former secretary of the treasury. Since 1968, Mrs. Barr has received \$1,408 from the federal treasury to spend on her estate. The money spent on the 364-acre holding was for fertilizing, applying lime, and planting blue grass.

Mrs. Katharine Graham, publisher of the Post and owner of a 347-acre estate near Rectortown, has also been a federal recipient. Records provided to Jim Coates, a reporter for this column, showed that Mrs. Graham received \$976 since 1968, a figure somewhat less than the average payment.

Mrs. Francis Gilbert, executive director of the Agriculture Stabilization and Conservation Service, which administers the program on a local level, said that the money for Mrs. Graham's estate was used for a variety of projects. In 1968, there was a federal allotment of \$158 for the Graham estate for vegetation cover on 18 acres. Other money over the years went for thistle spraying and additional ground-covering projects.

"Whether you're rich or poor," Mrs. Gilbert said, "you'll still get rained on—and, no matter how prominent you are, your soil will wash away if there is no grass." The local director said the establishment of permanent vegetative cover was one of the most popular in the county. All together, REAP offers 16 grant categories ranging from animal-waste storage and diversion facilities to strip-cropping—a term used in connection with land contouring to avoid erosion.

Mrs. Gilbert explained, as did officials of REAP, that the programs are traditionally handled at the local levels in order to insure maximum benefits. The federal tax dollars are distributed first to the states and then down to the county levels. At the county level, three farmers are elected by the other farmers of the county to make the final disposition of the money.

The largest amount which was spent on a farm in Fauquier County last year was about \$2,500. The average amount here last year was \$260, slightly lower than the national average per grant. Next year there will be no money unless Congress is successful in overriding the administration's cutback.

GOVERNMENT STOCKPILE OF SURPLUS TIMBER

(Mr. WYATT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYATT. Mr. Speaker, President Nixon recently announced his intention to start reducing the Government's stockpiles of strategic industrial materials as an anti-inflation move.

In this time of record housing demand and consequent high levels of lumber and plywood prices, what could be more strategic than the vast Government stockpile of surplus timber to be found on our Federal forest lands?

Federal timberlands contain over 58 percent of our Nation's 1.9 trillion board feet of softwood sawtimber—trees of the type and size used to make products for homebuilding. Some 52 percent of this wood is on national forest lands.

Much of this wood is just going to waste—a tragic situation when demand for wood products is at record levels. The timber on Federal lands is mostly old growth which has reached or neared the end of its growth cycle and is now steadily declining in health as it approaches death by insects, disease, windthrow, wildfire, or just plain old age. Moreover, this old growth going to waste takes up valuable forest acreage that could be growing new trees for future generations. The growth rate per acre of trees on Federal land is only about half the rate now achieved on industrial forest lands. And the Chief of the Forest Service has publicly stated that the national forest timber harvest on a sustained-yield basis could be increased 50 percent given adequate funding for tree growing and intensification of forest management.

But, so far, funding has not even been enough to allow the Forest Service to sell all the timber it is authorized to sell each year, much less improve Federal forest management as is needed. During 1971 and 1972—the peak homebuilding years—Federal timber sales have declined significantly. In fiscal 1972 the volume of timber sold was 2.3 billion board feet below the allowable cut, and in fiscal 1973 sales are expected to be 2.7 billion board feet shy of the allowable level dictated by sound conservation.

The surplus wood needed to meet interim wood fiber needs now exists on Federal lands, stockpiled as old growth timber. And the management potential exists to perpetually renew this source of wood. The judicious conversion of this land from degenerating old growth to fast-growing, healthy young trees would not only ease current lumber and plywood supply and price pressures, but also promote the renewal and perpetuation of our Federal forests.

VOLUNTEER OF THE DECADE

(Mr. KAZEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KAZEN. Mr. Speaker, I am proud to call attention of the House of Representatives to a distinguished constituent who will be honored March 31 as "Volunteer of the Decade" by the Alamo Area Tuberculosis and Respiratory Disease Association. Victor Washington, now 69, is widely known in south Texas, and I salute the residents of San Antonio and the surrounding area who will honor him.

Bill Graham, writing in the San Antonio Light, has described this man as a living legend, who for the past 40 years has done everything for anyone who needed any kind of help. There is statistical support for the statement.

Victor Washington became the first black deputy sheriff in Karnes County in 1958, but he has said that he never concerned himself with a person's race, color, or creed, nor has he known the meaning of discrimination. Since 1958, he has logged 157,400 miles in 22,050 trips to carry 9,000 indigent patients to the San Antonio State Chest Hospital for treatment. He has helped countless hundreds of resident aliens in naturalization procedures, acting as interpreter for many with his faultless Spanish. Since 1933, he has helped thousands of poor rural people with their social security papers.

The Honorable Ted Butler, district attorney of Bexar County and former county attorney and county judge in Karnes County, has called Mr. Washington a modern good Samaritan, who spent his years doing for others in return for a rare kind of contentment.

Mr. Washington and his wife, Jewel, were married in 1929. They have no children. He has a farm and a few cattle, but devotes much of his time to others.

Mr. Speaker, I am reminded of a line once used to describe Joe Louis, the great heavyweight boxing champion. Of Mr. Washington it can also be said, "He is a tribute to his race—the human race."

I am pleased to join in hearty congratulations to Mr. Washington at this recognition of his service to his fellow citizens of south Texas.

HEROIN TRAFFICKING ACT OF 1973

(Mr. FREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FREY. Mr. Speaker, today, at the request of the President, I am introducing the Heroin Trafficking Act of 1973.

President Nixon, in his recent statement on law enforcement and drug abuse prevention, voiced his concern over the problem of heroin trafficking. He called for legislation to provide tougher penalties for heroin traffickers and to require judges to consider the danger posed to the community by a person charged with heroin trafficking before releasing him into the community.

The records reveal that in a great many cases violators remain free. For instance, in a study of a series of cases of 422 violators, it was found that 71 percent were free for a period exceeding 3 months following their arrest, and nearly 40 percent of the total were free for over a half year.

Sentencing practices also have been found to be inadequate. Of a study of 955 convicted narcotic drug violators, a total of 27 percent received sentences other than imprisonment. Most of these individuals were placed on probation.

This is a tough bill, but considering

the crime and human suffering caused by heroin addiction, I believe a tough bill is needed.

I commend the President for this legislation. And I would hope that many of my colleagues will cosponsor this legislation.

Title I of the proposed bill increases the penalties for heroin and morphine offenses. As explained more fully in the accompanying summary, title I would, in its major aspects:

Make mandatory, for a first offense of trafficking in, or illegally importing or exporting less than 4 ounces of a mixture or substance containing any amount of heroin or morphine, a sentence of not less than 5 years nor more than 15 years, and for a first offense of trafficking in, or illegally importing or exporting, 4 or more ounces of a mixture or substance containing any amount of heroin or morphine, a sentence for a term of years of not less than 10 years, or for life.

For heroin or morphine traffickers, illegal importers, or illegal exporters with prior heroin or morphine convictions, or for heroin or morphine traffickers, illegal importers or illegal exporters whose crimes are committed while they are released pending trial, appeal or sentencing on Federal heroin or morphine charges, make mandatory, regarding an offense relating to less than 4 ounces of a mixture or substance containing any amount of heroin or morphine, imprisonment for a term of years of not less than 10 years, or for life, and, regarding an offense relating to 4 or more ounces of a mixture or substance containing any amount of heroin or morphine, imprisonment for life with no parole.

Make mandatory, for one convicted of possessing 4 or more ounces of a mixture or substance containing any amount of heroin or morphine a sentence for a term of years of not less than 10 years, or for life.

For possessors of 4 ounces or more of a mixture or substance containing any amount of heroin or morphine, with prior heroin or morphine convictions, make mandatory a sentence of imprisonment for life with no parole.

Provide that, with regard to such mandatory sentences the imposition or execution of such sentences shall not be suspended, probation shall not be granted, and the Federal Youth Corrections Act shall not be applied.

Title II of the proposed bill deals with conditions of release of persons pending trial on heroin or morphine charges and upon conviction but pending imposition of sentence or appellate review for such offenses as title II would, in its major aspects:

Deny pretrial release to those charged with trafficking in heroin or morphine unless the judicial officer finds that release will not pose a danger to the persons or property of others.

Prohibit the release while awaiting sentence or during appellate processes of persons convicted of trafficking in or illegally importing or exporting heroin or morphine.

ARMY CREDIT CARD PROGRAM HEAVILY CRITICIZED BY GAO REPORT

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 20 minutes.

Mr. PATMAN. Mr. Speaker, the General Accounting Office will very shortly release the results of a report on the Army's Open Mess Centralized Club Card program which I asked the Comptroller General to investigate last August.

The report is so critical of the program that the Army, apparently sensing what the GAO would report, canceled the contract without waiting to see the final report. The Army terminated its 5-year contract with the Bank of America on March 1. The GAO report is not scheduled for general distribution until March 20.

I asked for the GAO report after it became increasingly difficult for me to get factual answers from the Department of the Army on how the program would be operated and after the program began how it was functioning. The responses to my questions from the Department of the Army completely ignored what was taking place in the program, but instead reflected what the Army was hoping would take place in the program.

PILOT PROGRAM STARTED FIRST

My concern about this program was first aroused in 1970 when the Army announced that it was seeking bids for a plan to establish a credit card system in its officer messes. The initial contract was for a 6-month period and was to cover only those officer messes in the Sixth Army area. Following the pilot program the Army would reevaluate the program and decide if it wanted to continue the program on a nationwide basis.

Both the pilot project contract and permanent contract were awarded to the Bank of America, even though the Bank was not the low bidder, but, in fact, was one of the highest bidders. The permanent contract was for 5 years with an estimated total cost of \$3.9 million. Under the credit card program the Bank of America would issue a credit card that could be used only at officer messes. The Bank of America would be responsible for the collection of funds and the bookkeeping on the accounts. It would maintain a central account for the clubs and would also send funds to the Army Central Welfare Fund in Washington for investment.

When the Army first announced the program, one of the main reasons for using credit cards was to reduce the amount of cash involved in club transactions and thus cut down on the possibility of embezzlement. This decision followed closely the scandals that rocked Army clubs a few years ago in which large sums of money were diverted from the clubs. It was also felt that by pooling idle funds and sending money to Washington for investment that the messes could get a greater return on their money.

One of my earliest concerns about the program was that it would be taking

funds out of a local community and sending them to Washington for investment and this would limit the lending power of some financial institutions in those affected areas. In addition, since some of the banks operating on military installations affected by this program are reimbursed for their losses by the Treasury Department, it might mean that the Treasury might have to increase their subsidy payments to these banks if the banks lost the mess funds.

DID RETIRED GENERAL HELP?

In addition, when the Bank of America was awarded the contract I strongly questioned whether or not the contract was awarded in a straight-forward manner. For instance, the Bank of America hired a recently retired general from the 6th Army headquarters shortly before it received the contract. I asked the GAO to see if the retired officer, Maj. Gen. Robert R. Linvill, helped secure the contract for Bank of America. General Linvill denied to the GAO that he had any involvement in helping Bank of America obtain the contract.

However, when General Linvill visited Washington in May of 1972 on Bank of America business he met with a number of officials in the Pentagon and following this wrote a detailed trip report to his superiors at the bank. Although the general and the bank denied that Linvill helped obtain the contract they refused to let GAO look at the trip report. In addition, now that the contract has been terminated, it was my understanding that General Linvill is no longer with the Bank of America.

While the GAO report does not meet the question of General Linvill's role in obtaining the contract head-on, it does raise grave questions about the procedures used in awarding the contract to the Bank of America and the results of the program once it was underway. The Department of the Army led me to believe that the Bank of America was one of the lowest bidders for both the pilot project and the permanent contract. The Army central welfare fund, the contracting office, was not bound to accept the low bid since appropriated funds were not involved but it would have seemed reasonable to follow low bid procedures as closely as possible. For instance, of the six final bidders for the permanent contract, Bank of America had the fifth highest bid. And it may well have been that the Bank of America was given inside information in order to enable it to obtain the permanent contract. In fact, the Bank of America was given preferential treatment in the awarding of the pilot contract. The GAO report indicates that the Army reduced the pilot contract from 2 years to 6 months after 9 of the 12 offerors had been eliminated without resoliciting offers on what was essentially a new procurement.

When it came time to award the permanent contract the GAO found that the Bank of America was the only firm solicited which could have been expected to meet the startup date for the permanent contract. And the Army's central mess fund would not give the firms

soliciting for the permanent contract operating manuals developed during the club's pilot program even though those manuals would have helped them understand input and output technicalities wanted for the system. Of course, the Bank of America had these manuals and were aided by these documents in bidding.

ARMY NOT AWARE OF DEFECTS

Mr. Speaker, during the test program period it was brought to my attention that the program was not working satisfactorily and that many club managers were unhappy with the system. When I asked the Department of the Army about this, I received a letter from Assistant Secretary of the Army Hadlai I. Hull who reported to me that the system was successfully operated. It accomplished four of its five objectives to a high degree and the fifth to a limited degree. Of course this statement is in direct conflict with what the GAO found when it conducted its operation.

Mr. Speaker, the Army set the following criteria for the credit card program: First, reduce the high operating cost now incurred by each mess operated system; Second, enable productive use of otherwise idle money to mess checking balances; third, reduce use of currency in the open mess; fourth, provide mess member credit convenience at all Army open messes and not only at the home mess; fifth, apply internal management control more easily.

Remembering that the Army said that all but one of the objectives were met to a high degree, let us look at what the GAO discovered.

Before the pilot project began, the Army estimated that savings from the central card club program could offset about 80 percent of the contractors' charges. The Army's evaluation of the test program showed that only 34 percent of these charges would be offset. The GAO estimates that only 3 percent of the charges could be offset. And the system that was supposed to save clubs money actually cost one mess \$300 more than the monthly cost of its former system. According to the GAO officials at two messes stated that they could automate their own accounts receivable system for substantially less than the Bank of America contract prices.

With regard to the productive use of idle money in mess checking balances, the GAO found that while the clubs were guaranteeing 6 percent return on their investment the Army's central mess fund was only able to return 5.88 percent during the period January 1 through September 30, 1972. This rate could have been achieved by most clubs by putting money into savings institutions in their own communities.

The third objective for the system was to reduce the use of currency in messes. However, during the pilot project period less than one-half of the club members charged sales. Cash sales increased 15 percent and charge sales decreased 4 percent.

The system was also designed to facilitate the use of intermess credit. During the test period, however, intermess

transactions amounted to only one-half of 1 percent of the total monthly credit transactions.

And finally the system was designed to easily apply internal management controls. According to GAO various computer printouts have been generated by the new system which mess custodians found useful and acceptable as tools for internal controls. However, mess officials told us they were not as satisfied with controls under the new system as they had been under their former systems. One mess official stated that the club card program did not reconcile members' payments with intermess credit sales.

Thus the GAO found that the Army program did not meet a single one of the five established criteria. But even more shocking is the revelation by the GAO that even in the credit card program cost overruns have arisen. The Army estimated that the 5-year contract would cost about \$3.9 million. The GAO found, however, that the contract would cost \$5.1 million, a cost overrun of more than \$1 million.

BANK HAD EXTRA INCOME

In addition to the \$1 million discrepancy, there was also a discrepancy in the payments to the Bank of America. Department of Army officials assured me that there would be no funds available for investment by the Bank of America and that all existing funds had to be sent to Washington for investment to the account of the clubs. However, the GAO found that from October 1972 through September 1972 an average daily amount of \$31,000 was available for the Bank of America's use. While this is not a great amount, GAO points out that when the program was expanded to an armywide basis this amount would be increased substantially.

Mr. Speaker, it is unfortunate that the Army chose to go ahead with this program without fully evaluating the problems it could cause. This could have been avoided if the Army had listened to Maj. Gen. Leo Benade, Deputy Under Secretary of Defense who warned the Army about the dangers of this program.

General Benade in a lengthy memorandum to the Deputy Assistant Secretary of the Army for Manpower and Reserve Affairs pointed out the pitfalls of the program and strongly suggested that it not be put into practice.

It has now come to my attention, Mr. Speaker, that despite the Army's unhappy experience with the credit card program that the Navy is planning to launch its own credit card program. The Navy for some strange reason is planning a pilot program roughly for the same area that the Army used for its test. Of course, this area just happens to include the Bank of America. Under the Navy plan, clubs will be allowed to accept a commercial credit card with the contract going to the card that offers the lowest discount to the individual clubs. At first blush this seems reasonable, but the catch is that the Navy club members will have to pay 18 percent interest or more for credit purchases not paid during the first billing cycle. In short, the Navy will be putting its stamp of ap-

proval on an unconscionable 18 percent interest rate and this well could make the Navy the largest loan shark in the world. Perhaps the Navy would do well to consult with General Benade and follow his advice before taking this unfortunate step.

CONGRESSMAN ORVAL HANSEN OF IDAHO INTRODUCES H.R. 5859, PROVIDING EQUITABLE TREATMENT OF VETERANS ENROLLED IN VOCATIONAL EDUCATION COURSES

The SPEAKER. Under a previous order of the House, the gentleman from Idaho (Mr. HANSEN) is recognized for 10 minutes.

Mr. HANSEN of Idaho. Mr. Speaker, today I am introducing H.R. 5859, which provides for a more equitable treatment of veterans who are enrolled in vocational education courses.

The current law states that no educational assistance allowance shall be paid to any veteran enrolled in a course not leading to a standard college degree for any day of absence in excess of 30 days in a 12-month period, not counting weekends or legal holidays. It also provides that no allowance shall be paid to such veteran for any period until the administrator shall have received a certification as to his actual attendance. These provisions do not apply to veterans enrolled in courses which lead to a standard college degree.

The practical result of this differentiation, as interpreted by the Veterans' Administration, militates against justice and commonsense. For example, I received a letter from a young man who is a Vietnam veteran and who is enrolled in a vocational training course at the College of Southern Idaho. He informed me that during the 6-month period, covering the months of October 1970 through March 1971, he had 11 days of absences credited against his allowable 30 days even though the school was closed those days because of school holidays. When these school holidays are combined with legal holidays, it leaves few, if any, days that the Vo-Tech student can be absent from classes for personal reasons without subjecting himself to financial penalties. This unreasonable action in counting school holidays against permissible absences does not apply to students who pursue courses leading to a standard college degree.

Another unjust aspect of existing law is the requirement that the Vo-Tech veteran certify his actual attendance during the preceding month. Though this would seem to be a minor and reasonable requirement, in actual practice the paperwork involved in receiving and checking monthly certifications results in periodic delays in the issuance of the veteran's check. An example of the unfairness of this discriminatory procedure against Vo-Tech students was relayed to me in a letter from another young man who stated that he and other Vo-Tech students often do not receive their checks until the 27th of each month, whereas other veterans who are enrolled in the

academic section of the same school regularly receive their checks by the 10th of the month. The writer also said that some of his fellow Vo-Tech students do not take full advantage of their veterans benefits because of the "abundant dosage of redtape."

Such ill-treatment is made even more deplorable because of the fact that vocational-type courses and degree courses, though historically taught at separate institutions with separate organizations and procedures, are today being combined in many school systems. A recent development in our educational system has been the development of the community colleges which offer both degree and nondegree courses on the same campus. When friends and possibly even roommates can attend the same school yet receive different treatment and different compensation from the Veterans' Administration, the psychological impact of the different standards is made even more acute.

As was so eloquently stated in an editorial last year in the Twin Falls, Idaho, *Time-News*—

The military didn't give these veterans separate foxholes nor did the enemy label his bullets.

The (Vo-Tech) veteran has earned the right to educational finance under the law and it should be the same to all veterans. There should be no discrimination just because one wants to learn how to repair an automobile and another wants to teach English.

I heartily concur with this, Mr. Speaker, and was accordingly distressed to read the adverse departmental report to an identical bill which I introduced in the 92d Congress. In its departmental report, the Veterans' Administration did not address itself to the equities involved, nor did it offer an adequate or rational explanation for a continuation of the discrimination. By its emphasis upon the financial cost of equalizing the treatment of our veterans, which it estimated at \$6.2 million for the next 5 years, I feel that the VA has compounded an injustice with grievous insult.

In my service on the House Education and Labor Committee for the past 4 years, and as a member of the Republican Select Task Force on Education and Training, I have been deeply impressed by the need to encourage vocational education in this Nation. The value of occupational training cannot be overemphasized, Mr. Speaker. The evidence overwhelmingly indicates that our most pressing manpower needs in the 1970's will come in the subbaccalaureate skilled, technical, clerical, and para-professional occupations.

The need and importance of a revision of our national attitude toward vocational training was succinctly stated in the 1969 Annual Report of the National Advisory Council of Vocational Education. This report stated:

At the very heart of our problem is a natural attitude that says vocational education is designed for somebody else's children . . . We have promoted the idea that the only good education is an education capped by four years of college. This idea, transmitted by our values, or aspirations and our silent support, is snobbish, undemocratic and

a revelation of why schools fail so many students. The attitude infects Federal Government which invests \$14 in nation's universities for every \$1 it invests in the nation's vocational-education programs . . . The attitude must change. The number of jobs which the unskilled can fill is declining rapidly. The number requiring a liberal-arts college education, while growing, is increasing far less rapidly than the number demanding a technical skill. In the 1980's, it will still be true that fewer than 20 percent of our job opportunities will require a four-year college degree.

I believe that passage of my bill (H.R. 5859) would be a significant first step, Mr. Speaker, in rectifying a totally unjust situation, and would be a significant indication of Congress' willingness to recognize the contribution which vocational education students must make in America's educational future.

VEYSEY INTRODUCES HIGHWAY-ORIENTED MASS TRANSIT ACT

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. VEYSEY) is recognized for 10 minutes.

Mr. VEYSEY. Mr. Speaker, yesterday I introduced legislation which could reduce air pollution in our metropolitan areas by major proportions in a minimum amount of time and with a minimum investment. This proposal would complement existing legislation which allows use of Federal highway trust funds for construction of bus lanes by extending those funds to cover the purchase of buses and related equipment.

This would give us a complete highway-oriented mass transit package and make it possible for smog-choked urban areas to take immediate positive steps to develop such systems.

The potential of highway-oriented mass transit has been grossly overlooked. While Government analysts have been climbing all over each other, each trying to develop a more sensational solution to the smog problem than the last, this machinery has been right under our noses.

The highways already exist, the rights-of-way exist, only minor construction is necessary, and pilot programs are working extremely well.

In the Washington, D.C., area, a small-scale bus priority system with limited facilities and publicity is already carrying nearly 10,000 passengers daily—eliminating over 7,000 automobiles, and tons of air pollutants each day. In San Bernardino another pilot project is highly encouraging, and in San Diego use of buses has doubled with only a decrease in fares and improved service.

Communities are sick and tired of the maddening freeway crawl to work each day. They are also sick and tired of air pollution. Further, the public readily accepts bus service when it is convenient. There is no more feasible or more practical way to effectively reduce vehicle miles traveled than bus mass transit.

By extending use of the highway trust fund to the purchase of buses and necessary machinery as well as to actual construction of the priority bus lanes and passenger services, we can make exten-

sive bus service a reality for many commuter-clogged, pollution-smothered metropolitan areas.

For southern California this will be especially adaptable. Our sprawling far reaching metropolitan area of 10 million people does not lend itself to fixed rail transit. A sophisticated system of bus transportation on the other hand, would be a boon to our commuters, our health, and our way of life.

Further, it would put the impractical, unworkable proposal to ration gasoline on the back burner.

BETTER SCHOOLS ACT OF 1973

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. BELL) is recognized for 15 minutes.

Mr. BELL. Mr. Speaker, I am today introducing, at the request of the administration, the "Better Schools Act of 1973." I am introducing the bill in part because my obligation as ranking Republican on the General Education Subcommittee of the Committee on Education and Labor includes the presentation of administration legislation. There is much in the bill which I favor, particularly the concept of consolidating a number of formula grant programs, many of which have resulted in more paperwork than money. There are also features of the legislation which I question, including, for example, the impact on programs such as adult basic education and services for migrant children, and the changes in title I which, although generally commendable, would continue to base State allocations solely on census information of poverty level families.

The administration is understandably anxious that the allocation and distribution methods contained in the bill be considered on their merits irrespective of funding levels. Whether this can be accomplished, however, is subject to question. I, for one, am deeply concerned

about the overall reduction in elementary and secondary education spending reflected by the administration's budget for the Better Schools Act.

SUMMARY OF BETTER SCHOOLS ACT OF 1973

Appropriations for carrying out the bill would remain available for obligation and expenditure at the State and local levels for two years (§ 3).

The bill provides for allotment among the States of the funds appropriated (and for the uses which may be made of those funds) (§ 4). Appropriated funds are to be used for 5 purposes: education of the disadvantaged; education of the handicapped; vocational education; assistance for schools enrolling children who live on Federal property; and supporting materials and services. Any of the funds may be used for construction.

Funds allotted among the States are to be distributed within the State under section 5. The entire amount allotted to the State on the basis of children living on Federal property must be "passed through" to the local educational agencies in which those children live. The amount allotted to the State for the education of the disadvantaged must be distributed among local educational agencies by first paying to those agencies with 15% or 5,000 of their children from low-income families an amount equal to an expenditure index for the State multiplied by the number of such children. The remaining funds for the disadvantaged would be distributed among the other local educational agencies with the largest numbers or percentages of children from low-income families.

Thirty percent of each of the amounts allotted to any State for vocational education and education of the handicapped may be made available for other educational purposes (§ 7). The State may exceed these 30 percent limitations if it demonstrates to the satisfaction of the Secretary that doing so would further the purposes of the Act. The funds allotted to a State for supporting materials and services may be used also for vocational education and for education of the handicapped and the disadvantaged.

With respect to amounts allotted for the disadvantaged, each State and each local educational agency would be "held harmless" for fiscal year 1974 at 100 percent of

the amount allotted to it for fiscal year 1973 under title I of the Elementary and Secondary Education Act of 1965.

States are required to provide equitable treatment of private school children in the activities carried out under the bill, but if they are unable to do so because of limitations of State law the Secretary is required to provide services to such children, paying the cost thereof out of the State's allotment (§ 8).

Amounts for the disadvantaged will be paid to any local educational agency only if that agency meets a "comparability" requirement—i.e., if the services provided in each of its schools with funds other than funds under this bill are determined by the State administering agency to be comparable to the services so provided in its other schools.

The Governor of each State would be the agency for administering the program within the State unless State law provides for a specified single State agency to administer the program. The State agency will develop a plan for the distribution of funds not "passed through" to local educational agencies, and for the expenditure of those funds. The distribution must be made on a basis which takes into account the relative needs of the local educational agencies in the State for the types of assistance for which the funds may be used, but in doing so the amount paid local educational agencies for education of the disadvantaged may not be taken into consideration. In developing the plan the agency must give an opportunity for comment thereon to interested persons, but there is no requirement of Federal review approval of the plan (§ 9).

Each State must provide education on a nondiscriminatory basis for children who live on Federal property (§ 10).

Revenues shared under the bill are subject to title VI of the Civil Rights Act of 1964 and title IX of the Education Amendments of 1972 (relating to discrimination on the basis of sex) (§ 13).

There is an advance funding provision (§ 14) and a provision for an annual report by the Secretary to the President and the Congress (§ 16).

There is also a provision permitting interstate agreements (§ 18), a provision concerning records, audits, and reports (§ 17), and a provision concerning remedies for non-compliance (§ 12).

COMPARISON 1973 VERSUS EDUCATIONAL REVENUE SHARING 1974

(Distribution of 3 percent to all other areas)

	Disadvantaged		SAFA		Handicapped		Vocational education		Support		Total	
	1973	Revenue sharing	1973	Revenue sharing	1973	Revenue sharing	1973	Revenue sharing	1973	Revenue sharing	1973	Revenue sharing
Alabama	37,500	38,062	1,248	845	2,296	2,840	8,865	7,632	10,663	7,277	60,571	56,655
Alaska	2,781	2,846	24,594	16,555	1,191	268	884	721	958	687	30,409	21,076
Arizona	10,413	10,639	10,898	10,160	1,217	1,478	4,334	3,971	3,805	3,787	30,667	30,034
Arkansas	23,122	23,442	1,581	1,048	1,724	1,514	4,880	4,070	6,056	3,880	37,363	33,955
California	128,309	128,142	34,469	31,608	9,909	15,213	35,465	40,886	25,534	38,984	231,686	254,833
Colorado	12,167	12,376	3,551	2,947	2,094	1,792	5,254	4,815	4,482	4,591	27,548	26,520
Connecticut	13,063	13,263	2,009	1,745	2,368	2,340	5,032	6,289	4,670	5,996	27,142	29,634
Delaware	2,918	2,980	14	17	851	454	1,315	1,220	1,487	1,163	6,585	5,835
Florida	34,727	35,569	6,977	6,953	4,229	4,899	14,062	13,167	13,943	12,555	78,938	73,143
Georgia	43,818	44,500	2,143	1,770	2,658	3,726	11,460	10,015	14,198	9,549	74,477	69,560
Hawaii	4,068	4,137	8,571	10,185	651	627	1,801	1,670	2,285	1,593	17,375	18,207
Idaho	3,697	3,749	1,490	1,039	610	606	2,099	1,630	1,977	1,554	9,873	8,578
Illinois	74,316	75,396	5,532	4,669	7,944	8,711	18,982	23,411	17,935	22,322	124,708	134,510
Indiana	20,537	20,885	1,212	1,035	4,055	4,220	11,157	11,341	10,227	10,814	47,189	48,295
Iowa	16,184	16,408	210	113	1,863	2,261	6,246	6,076	6,696	5,793	31,198	30,651
Kansas	10,247	10,630	5,163	4,544	1,959	1,740	5,055	4,676	4,621	4,458	27,045	25,848
Kentucky	34,353	34,782	96	71	2,136	2,569	8,344	6,903	9,425	6,582	54,354	50,908
Louisiana	33,833	34,679	875	802	3,581	3,166	9,582	8,508	12,248	8,112	60,170	55,267
Maine	6,330	6,423	2,190	1,761	987	789	2,638	2,121	2,487	2,022	14,632	13,116
Maryland	21,668	22,083	5,797	5,923	2,765	3,160	7,613	8,492	6,244	8,097	44,086	47,754
Massachusetts	26,521	26,897	5,852	3,588	5,011	4,284	10,521	11,513	10,381	10,978	58,286	57,260
Michigan	59,373	60,144	4,091	4,360	8,008	7,456	17,577	20,037	13,926	19,105	102,975	111,103
Minnesota	23,883	24,241	1,459	1,514	2,606	3,199	8,303	8,598	8,764	8,198	45,015	45,751
Mississippi	39,259	39,239	1,555	935	1,537	1,932	5,930	5,192	8,302	4,950	56,623	52,848
Missouri	25,392	25,841	2,869	2,455	3,564	3,601	10,006	9,679	9,316	9,229	51,147	50,805
Montana	4,125	4,197	5,126	3,694	684	597	1,970	1,605	1,720	1,530	13,625	11,624
Nebraska	7,942	8,076	3,293	2,435	976	1,179	3,463	3,169	3,393	3,022	19,067	17,880
Nevada	1,228	1,259	2,326	2,124	448	384	1,124	1,032	984	984	6,111	5,783
New Hampshire	2,294	2,334	1,101	736	723	576	1,887	1,548	1,760	1,476	7,764	6,668

	Disadvantaged		SAFA		Handicapped		Vocational education		Support		Total	
	1973	Revenue sharing	1973	Revenue sharing	1973	Revenue sharing	1973	Revenue sharing	1973	Revenue sharing	1973	Revenue sharing
New Jersey.....	48,887	49,623	5,695	4,985	6,021	5,472	11,663	14,707	9,742	14,023	82,108	88,809
New Mexico.....	9,148	9,348	11,387	9,449	850	945	2,904	2,538	3,096	2,420	27,685	24,700
New York.....	213,429	216,246	6,795	7,242	14,678	13,269	28,451	35,661	28,623	34,063	231,977	306,421
North Carolina.....	56,781	57,468	2,270	1,774	4,319	4,028	13,532	10,825	15,384	10,322	92,286	84,417
North Dakota.....	5,127	5,185	4,981	3,029	657	533	1,897	1,433	1,983	1,366	14,645	11,556
Ohio.....	46,538	47,289	1,690	1,637	8,523	8,583	21,453	23,067	17,831	21,994	96,036	102,571
Oklahoma.....	18,654	18,929	5,660	3,877	1,759	1,947	6,324	5,232	5,890	4,989	38,286	34,975
Oregon.....	11,071	11,257	1,425	1,043	1,936	1,627	4,796	4,373	4,092	4,169	23,320	22,469
Pennsylvania.....	69,630	70,627	1,063	1,013	9,256	8,903	23,500	23,927	21,191	22,814	124,640	127,285
Rhode Island.....	5,261	5,345	2,884	2,539	897	683	2,251	1,834	1,663	1,749	12,956	12,150
South Carolina.....	32,866	33,293	2,972	2,171	2,257	2,191	7,304	5,888	8,825	5,614	54,224	49,156
South Dakota.....	6,033	6,120	4,604	3,297	746	570	1,976	1,531	2,024	1,460	15,383	12,978
Tennessee.....	24,233	34,739	664	470	2,616	3,050	9,991	8,197	10,532	7,816	58,036	54,272
Texas.....	87,259	88,789	11,704	8,407	8,226	9,138	26,106	24,558	22,224	23,415	155,518	154,306
Utah.....	4,640	4,714	1,958	1,657	927	951	3,150	2,555	3,326	2,436	14,001	12,312
Vermont.....	2,506	2,544	6	7	916	356	1,359	958	1,249	914	6,036	4,778
Virginia.....	35,203	35,773	7,050	5,818	3,269	3,647	11,049	9,802	10,763	9,346	67,334	64,386
Washington.....	16,081	16,339	7,708	7,578	2,600	2,678	7,120	7,198	5,575	6,863	39,084	40,656
West Virginia.....	19,394	19,641	35	30	1,256	1,347	4,586	3,619	4,690	3,451	29,951	28,088
Wisconsin.....	19,161	19,517	976	615	3,681	3,659	9,805	9,834	8,167	9,377	41,790	43,002
Wyoming.....	1,562	1,594	1,824	1,226	487	280	1,083	753	1,068	718	6,024	4,572
District of Columbia.....	11,185	11,341	222	280	1,102	500	1,606	1,343	1,518	1,287	15,633	14,744
All others.....	47,135	46,371	2,133	1,018	2,919	4,946	8,513	13,293	11,032	12,675	71,753	78,304
Total.....	1,524,061	1,545,711	231,998	194,794	158,744	164,878	437,173	443,110	418,976	422,501	2,770,949	2,770,992

COMPARISON 1973 VERSUS EDUCATIONAL REVENUE SHARING 1975

Alabama.....	37,500	37,392	1,248	913	2,296	2,823	8,865	7,586	10,663	7,233	60,571	55,945
Alaska.....	2,781	4,269	24,594	17,879	1,191	267	884	716	958	683	30,409	23,813
Arizona.....	10,412	15,012	10,898	10,972	1,217	1,469	4,334	3,947	3,805	3,764	30,667	35,165
Arkansas.....	23,122	21,314	1,581	1,132	1,724	1,505	4,880	4,045	6,056	3,857	37,363	31,853
California.....	126,309	122,037	34,469	34,137	9,909	15,121	35,465	40,638	25,534	38,748	231,686	250,681
Colorado.....	12,167	13,887	3,551	3,183	2,094	1,781	5,254	4,786	4,482	4,563	27,548	28,200
Connecticut.....	13,063	13,319	2,009	1,885	2,368	2,326	5,022	6,251	4,670	5,960	27,142	29,741
Delaware.....	2,918	4,152	14	18	851	451	1,315	1,213	1,487	1,156	6,585	6,990
Florida.....	34,727	53,354	6,977	7,509	4,229	4,870	14,062	13,087	13,642	12,479	73,938	91,298
Georgia.....	43,818	45,414	2,143	1,911	2,858	3,704	11,460	9,954	14,198	9,491	74,477	70,474
Hawaii.....	4,068	4,597	8,571	11,000	651	618	1,801	1,660	2,285	1,583	17,375	19,458
Idaho.....	3,697	3,463	1,490	1,123	610	603	2,099	1,620	1,977	1,544	9,873	8,353
Illinois.....	74,316	71,914	5,532	5,043	7,944	8,658	18,982	23,269	17,035	22,187	124,708	131,072
Indiana.....	20,537	23,166	1,212	1,118	4,055	4,194	11,157	11,272	10,227	10,748	47,189	50,500
Iowa.....	16,184	14,920	210	122	1,863	2,247	6,246	6,039	6,696	5,798	31,198	29,087
Kansas.....	10,247	12,180	5,163	4,908	1,959	1,729	5,055	4,647	4,621	4,431	27,045	27,896
Kentucky.....	34,853	28,652	96	77	2,136	2,553	8,344	6,861	9,425	6,542	54,354	44,685
Louisiana.....	32,883	52,018	975	866	3,581	3,147	9,582	8,456	12,248	8,063	60,170	72,551
Maine.....	6,330	6,174	2,190	1,902	987	784	2,638	2,108	2,487	2,010	14,632	12,978
Maryland.....	21,668	27,637	5,797	6,397	2,765	3,141	7,613	8,440	6,244	8,048	44,086	53,662
Massachusetts.....	20,521	25,037	5,852	5,011	4,258	10,521	11,443	10,381	10,911	58,286	55,524	55,524
Michigan.....	59,373	51,345	4,091	4,709	8,009	7,411	17,577	19,916	13,926	18,990	102,975	102,371
Minnesota.....	23,883	23,833	1,459	1,636	2,606	3,180	8,303	8,546	8,764	8,148	45,015	45,345
Mississippi.....	39,299	35,563	1,555	1,010	1,537	1,920	5,930	5,160	8,302	4,920	56,623	48,973
Missouri.....	25,392	29,923	2,869	2,651	3,564	3,580	10,006	9,620	9,316	9,173	51,147	54,947
Montana.....	4,125	4,803	5,126	3,990	684	594	1,970	1,595	1,720	1,521	13,625	12,503
Nebraska.....	7,942	8,893	3,293	2,630	976	1,172	3,463	3,150	3,393	3,003	19,067	18,848
Nevada.....	1,228	1,888	2,326	2,294	448	382	1,124	1,026	984	978	111	6,567
New Hampshire.....	2,294	2,641	1,101	794	723	572	1,887	1,538	1,760	1,467	7,764	7,013
New Jersey.....	48,987	42,336	5,695	5,384	6,021	5,439	11,663	14,618	9,742	13,938	82,108	81,714
New Mexico.....	9,148	13,304	11,387	10,205	850	939	2,904	2,523	3,096	2,406	27,385	29,377
New York.....	213,429	187,523	6,795	7,821	14,678	13,189	28,451	35,445	28,623	33,797	291,977	277,775
North Carolina.....	56,781	45,742	2,270	1,916	4,319	4,004	13,532	10,760	15,384	10,259	82,286	72,681
North Dakota.....	5,127	4,496	4,981	3,271	657	530	1,897	1,424	1,983	1,358	14,645	11,080
Ohio.....	46,538	49,993	1,690	1,768	8,523	8,531	21,453	22,927	17,831	21,861	96,036	105,081
Oklahoma.....	18,654	18,313	5,660	4,187	1,759	1,935	6,324	5,201	5,890	4,959	38,286	34,595
Oregon.....	11,071	12,380	1,425	1,127	1,936	1,617	4,796	4,346	4,092	4,144	23,320	23,615
Pennsylvania.....	69,630	66,405	1,063	1,094	9,256	8,849	23,500	23,782	21,191	22,676	124,640	122,806
Rhode Island.....	5,261	5,588	2,884	2,742	897	678	2,251	1,823	1,663	1,738	12,956	12,570
South Carolina.....	32,866	28,446	2,972	2,345	2,257	2,177	7,304	5,852	8,825	5,580	54,224	44,400
South Dakota.....	6,033	5,822	4,604	3,560	746	566	1,976	1,522	2,024	1,451	13,383	12,922
Tennessee.....	34,233	33,695	664	508	2,616	3,031	9,991	8,147	10,532	7,768	58,036	53,150
Texas.....	87,259	101,908	11,704	9,080	8,226	9,082	26,106	24,409	22,224	23,273	155,518	167,752
Utah.....	4,640	4,809	1,958	1,789	927	545	3,150	2,539	3,326	2,421	14,001	12,594
Vermont.....	2,506	2,501	6	7	916	354	1,359	952	1,249	908	6,036	4,723
Virginia.....	35,203	37,957	7,050	6,284	3,269	3,625	11,049	9,742	10,763	9,289	67,334	66,898
Washington.....	16,081	17,177	7,708	8,185	2,600	2,662	7,120	7,154	5,575	821	39,034	41,999
West Virginia.....	19,394	16,415	35	33	1,256	1,339	4,586	3,597	4,690	3,430	29,951	24,814
Wisconsin.....	19,161	23,671	976	664	3,681	3,637	9,805	9,775	8,167	9,320	41,790	47,067
Wyoming.....	1,562	2,134	1,824	1,324	487	279	1,083	749	1,068	714	6,024	5,200
District of Columbia.....	11,185	10,382	222	302	1,102	497	1,606	1,335	1,518	1,273	15,633	13,788
All others.....	47,155	46,091	2,133	1,100	2,919	4,916	8,513	13,213	11,032	12,598	71,753	77,918
Total.....	1,524,061	1,536,371	231,998	210,378	158,744	163,879	437,173	440,426	418,976	419,941	2,770,949	2,770,992

THE ROLE OF CONGRESS

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. McFALL) is recognized for 5 minutes.

Mr. McFALL. Mr. Speaker, Senator WILLIAM SAXBE of Ohio recently spoke at a Chicago meeting on congressional reform as a part of Time, Inc.'s 50th anniversary editorial project, "The Role of Congress." Henry A. Grunwald, managing editor of Time, Inc., moderated the

meeting. I am introducing this panel discussion into the RECORD:

Mr. GRUNWALD. Our next speaker is Senator William Saxbe of Ohio. Senator Saxbe came to Washington in 1969 as a seasoned leader of his state. As a freshman Senator he had a cause: to improve the relationships of Congress and the voters and of Congress and the Executive Branch.

I think it is fair to say that he was something of a surprise on Capitol Hill, not to say a shock. He was blunt, forthright and independent. His voting positions have often

been lonely, his stands on various issues searching and sometimes contradictory.

He opposed President Nixon in his nomination of Judge Haynsworth, but supported Harold Carswell, if somewhat reluctantly. He backed the SST but voted against the ABM. He voted for Cooper-Church, but against Hatfield-McGovern.

He once said, early in his senatorial days, that he was bored by Washington and unhappy with the way the Senate operated, but his presence in the Capitol has made it a much less boring place, and also, thanks to some of the practical reforms that he was

able to carry through, a considerably more efficient one.

Not least, Senator Saxbe is a leading exponent on the Hill and elsewhere of witty one-liners. I have done a little research on this and I find that many of them are perhaps a little too partisan for me to repeat here, but I recall one that is apt and characteristic. In summing up his own posture the Senator once observed, "You don't have to be a bug on a windshield to prove that you have guts." Ladies and gentlemen, Senator Saxbe.

Sen. SAXBE. Thank you, Mr. Grunwald, Nell MacNeil, Dr. Jones, and I hope my colleague, Fritz Mondale, will be here shortly. I, too, want to join in the congratulations to Time for its 50th anniversary, and certainly it is a pleasure for me to participate in this meeting, because if anyone has been critical of our behavior in Congress for the last two years, I have been in the forefront, and I think it is very worthwhile to get civic leaders from all over the country, and leaders in the media, to discuss these problems.

I was very disappointed in the minor reforms that we were able to put through in the day-to-day operation of the Senate, and we did save considerable time only to waste it some place else. I have been disappointed in many of these areas, so to try to talk to people on the outside may be more effective than talking to the people on the inside.

Dr. Jones' article, which was to be the provocation for further discussion, was to me just that, a provocation, even though it started off with a quote from Woodrow Wilson that said that we have to trust Congress more so we can have somebody to blame. Even Wilson did not go so far as to say that we have to have somebody that we can say is doing a good job occasionally.

The general decline of Congress has been just exactly that, and as Dr. Jones said, Congress is us, it reflects the people, and it has developed into what people expect it to be. It has developed into an institution, as my friend Senator Mathias has said, that is impotent and antiquated, simply because it has not responded to the demands of the Government. Congress has not laid the groundwork that it could have. It has the power and the money to do so, so it can respond to these demands, and it shows no indication of doing that in the future.

Congress has declined into a battle for individual survival. Each of the Congressmen and each of the Senators has the attitude: "I've got to look out for myself." If you remember the old, best advice you ever had in the army, it wound up with: "Never volunteer." This applies to Congress, and so we have very few volunteers. Most of them are willing only to follow those things that will protect them and give them the coloration which allows them to blend into their respective districts or their respective states. If you don't stick your neck out, you don't get it chopped off.

I also have been amazed at the leadership that has evolved in Congress, leadership that allows people to do their own thing. Each Senator can choose what he wants to do, pretty much. He can hold up bills, he can reserve time, he can say, "I'm not going to be here until next Tuesday, hold up the budget until next Tuesday." And it is held up until next Tuesday.

Mike Mansfield is the original nice guy. Everybody likes Mike Mansfield, and I am sure that he is secure in his re-election in Montana, as long as he wants to run, and I admire him very much. But at the same time, leadership—no.

The power to inspire, the power to drive, is not there, and we have a minority, if anything, in a weaker position because the minority is split so widely between Senator Javits and from his own state, Jim Buckley,

that Hugh Scott has little alternative but to wheedle what little bit he can from them in the matter of cooperation.

Then, of course, we have an Administration that is not worried about Congress. I think it is pretty indicative of what is happening when you see that they are laying great plans, hiring and firing the chief help, and not even consulting Congress on what the program is going to be.

Now, I think I have some little experience in this. I have served as speaker of a house where we had a Democratic Governor, I was a Republican speaker, and I have found in my direct experience that a program is essential. In other words, if you are going to buck a strong Executive, you have to have some idea of what you want to do, where you are going to go, and you have to have support of the media in this program. You have to sell it, just like you are selling a life insurance program or anything else; you have to sell your program if you are going to buck an Executive.

This is not apparent in Washington. I do not know whether it is possible to put such a thing together. I think it is, but the others who have been there longer say: "No. You just go back and hide and you will get re-elected."

Now, one of the problems with the media is that they are hostile to almost every individual Congressman or Senator. You never take a trip, you take a junket. In Ohio, anyway, they publish regularly the expenses of your office, as though this were some kind of an underhanded trick to take money from the government, and if you have 28 people on your payroll, obviously 27 of them are unnecessary. The fact that you get 5,000 letters a day is never printed.

You are also accused of riding a gravy train when it comes to a retirement program, and yet the retirement program of almost any executive in any one of your organizations is more attractive than that of Congress. We pay 8% off the top of our salaries into retirement. They also make great to-do of the fact we get free medical care. Well, we get it by joining Blue Cross.

This kind of thing is published regularly to show how inadequate you are to represent the great State of Ohio, or wherever you might be from.

Also, we gobble up our politicians faster than we can produce them. We have to have something to make sport of, and in this country, since the days of Will Rogers, and even before, it has been the politicians. Even bad-tempered Charles Dickens visited our country in 1842 and was impressed by our jails and hospitals but distressed by our newspapers and politicians. His sour concluding remarks included these gems: "You (Americans) carry . . . jealousy and distrust into every transaction of public life. By repelling worthy men from your legislative assemblies it has bred up a class of candidates for the suffrage who . . . disgrace your institutions and your people's choice . . . For you no sooner set up an idol firmly than you are sure to pull it down and dash it into fragments . . . Any man who attains a high place among you, from the President downward, may date his downfall from that moment; for any printed lie that any notorious villain pens . . . appeals at once to your distrust and is believed . . . Is this well, think you, or likely to elevate the character of the governors or the governed among you?"

Well, that was in 1842, so those of you who wish to make a tirade on the evils of the times can look back with some comfort to the fact that it has not changed a great deal.

But I say that it is a problem today because the legislature has not produced the leaders that you expect it to produce, because you have given no aid and comfort

to the leaders, no support, no encouragement for people to get in, nor to stay.

If Time in this 50th anniversary effort can do any one thing, it is certainly to encourage the media to pay attention to Congress. This is not to demand perfection among your lawmakers, unless you are free from guilt yourselves. But it is to recognize that they are average people, and to recognize that there are some who are doing their level best to try to operate in this show window of national politics. Only too often they are thoroughly damned, held up to ridicule. The statement: "If you don't like the heat, stay out of the kitchen," does nothing to encourage those people to stay. If we are going to turn around the legislative attitude, we have to encourage leaders.

Dr. Jones said that strong men can rise above the prevailing customs, or the prevailing attitudes, as Reed did. But to develop strong men in the Legislative Branch requires support and requires time for them to mature and develop.

If we are going to have our elective officeholders spending 75% of their time just on getting re-elected, as they are today, we are not going to be able to develop the kind of leadership that we must have if we are going to strengthen and develop Congress.

Now, I am very pleased to take part in this. I am interested in talking about it on a discussion basis, and I look forward to any of your questions. Thank you very much.

Mr. GRUNWALD. Thank you, Senator Saxbe.

Our next speaker is a journalist who is most emphatically not hostile to the Congress or the Congressmen. Moreover, he is a journalist who never takes a junket; he only takes trips.

If I may make a personal remark, over the many years I have known Nell MacNeil, and, incidentally, admired him as much as any member of our team, he has also always berated me personally for not paying enough attention to Congress. As you can see, he has finally carried the day.

He has been our congressional correspondent for 15 years, and he is as zealous in that task today as he was when he first started it. He has written widely on Congress and talked about it. He will now deliver a short talk of his own, and then lead us in a panel discussion with respect to what has been said. Nell MacNeil.

Mr. MACNEIL. Thank you, Henry.

I was struck especially by Dr. Jones' theme that somebody must be trusted, and his suggestion that these be the leaders of Congress. This, as Dr. Jones states, is an idea that cuts across the grain of the founding fathers who, in drafting the Constitution in 1787, devised every means they could find to do just the opposite.

They devised a system of institutional checks and balances, a government of laws, not men, and they had more than casual reasons for doing so, as even a glance at the debates of the state ratifying conventions will show. In those conventions the fear was expressed over and over that the Federal Government would, in one delegate's words: "Swallow up the liberties of the people." The people then had some experience in dealing with the British King and the British Parliament that left them short on trust.

We, too, have had experience that should leave us with some skepticism in trusting the leaders of Congress who have allowed and even cooperated in bringing about the present imbalance between the Legislative and Executive Branches of the Government.

It was President Andrew Jackson who first voiced the claim that the President was the representative of the whole American people—a proposition hotly contested by the then leaders of Congress. In the decades after Jackson, Congress not only maintained its coequal status within the Government

but for extended periods actually dominated the federal decision-making process.

Today the leaders of Congress acknowledge, as they have for the past 40 years, that the President is the policymaker in America. Not just in foreign affairs and the unhappy business of making war, but also in the domestic field as well. The basic change took place, as I understand it, under President Franklin Roosevelt, although there were precedents for what he did running back to the administrations of Jackson, Lincoln, Cleveland, McKinley, Theodore Roosevelt, and Wilson.

During World War II, Franklin Roosevelt created what was called a bipartisan foreign policy on the thesis that the country in foreign matters should speak with a unified, single voice to the outside world. The consultations by President Roosevelt with such Republican Senators as Arthur Vandenberg were real and meaningful, but they have not been so with any of the Presidents since Roosevelt. Truman did not consult with the leaders of Congress on sending troops into Korea—nor did Eisenhower on sending American troops into Lebanon, nor did Kennedy on quarantining Cuba, nor did Johnson on the Viet Nam War decision, nor has Nixon.

Repeatedly the leaders of Congress have complained over these years that they would like to be in on some of the takeoffs in these ventures as well as the crash landings. But they have acquiesced.

And although the leaders of Congress now know that a bipartisan foreign policy does not exist, they shrink—all of them—from saying so, and they shrink from acting to insist that Congress be heard in this critical area of national policy. Right now in Paris, President Nixon is negotiating an end to the Viet Nam War without consulting Congress and with no plans to submit the settlement to Congress, although he is apparently committing Congress to appropriate billions of dollars to rebuild that war-ravaged land.

It was under Franklin Roosevelt also that the leaders of Congress—those of the President's political party—became the political lieutenants of the President. Since Roosevelt's time, the leaders of Congress have come to the White House week after week to receive his orders. They have become the President's leaders in Congress rather than the leaders of Congress. The President expects and normally receives compliance from them.

The full blame, of course, should not be visited on the congressional leaders alone for a President's overwhelming dominance of the Government, for the compliance has come as well from the rank-and-file members of both chambers. I agree with the implicit suggestion in Dr. Jones' paper that the leaders of Congress will lead where their members want them to lead. The problem, as I see it, is to instill within the membership of Congress a sense of the integrity of Congress as a coequal branch of Government, a sense that they are, as a whole, representatives of the whole people, a sense that they must be a coequal partner in the policy-making process.

There are grounds now to suggest that this can be done. Even as we meet here there are hearings under way in Washington, under the bipartisan leadership of Senators Adlai Stevenson of Illinois and Charles Mathias of Maryland, aimed at just this goal.

Just last week, President Nixon impounded another \$6 billion of congressional appropriations, again frustrating, as many Presidents have frustrated, the Congress's constitutional powers of the purse. There is a growing sense within Congress that Congress simply cannot tolerate much longer this negation of its law-making powers.

Only a few weeks ago, the Senate rejected

the President's unprecedented request that he be given unlimited power over present federal spending—although it must be said that the House of Representatives tamely acquiesced to that request.

As a representative body, the Congress is confronted with incredibly difficult problems.

But unless it equips itself for the task and unless it develops within itself the resolve to act for the whole people, the Congress may become what Senator Mathias the other day suggested it might become, a "vestigial ornament" of government like the Roman Senate in its final days, to be used or ignored as the Executive pleases.

We all know what happened to the Roman Republic after the denigration of the Roman Senate. Thank you.

Mr. MACNEIL. To start the panel discussion, I would like to ask Senator Saxbe, if I may, if he will tell us just how easy it is for a Senator of the President's party to resist the President's requests and his pressures, like the request on the unprecedented power over the purse. It seems to me that this is a critical area, and Senator Saxbe had great experience in it, and has in fact resisted some of the most difficult of the President's pressures on him in such votes as the ABM.

Sen. SAXBE. Well, I guess "pressure" to me is different from "pressure" to other people, because the media kept calling me up on the ABM thing and saying: "How much pressure are you getting?" And I told them, "well, I didn't think I was getting much pressure."

"Well, has the President called you?" they would ask. "Yes. The President has called me," I'd reply.

"Well, isn't that pressure?"

I said: "Having been in the Legislature and Speaker and Attorney General, I begin to consider it pressure when somebody calls you up and threatens to come around and beat you up."

In the game of politics, pressure can be, of course, applied in many different ways, especially if you are ambitious, because you get along by going along. This is the unwritten law of Congress, and if you don't go along and if you don't compromise, you don't survive, and survivability is the great pressure area of today's Congress.

It is not what you do; it is how well you adopt the protective coloration that makes you reflect your state or your district.

I think that the biggest weakness that is apparent today, and one that I am sure Congress has contributed to most, is the fact of complete fiscal irresponsibility. They will not pass new tax bills. They will avoid them.

In the last three years we have lowered taxes by \$45 billion, at the same time we have increased expenditures by \$179 billion. We are running deficits of \$30 billion, \$35 billion and this year \$40 billion, and the question is, will we ever pass another tax bill?

Why should we? We are getting along so well just running on a deficit. It comes out in inflation.

Now, this type of irresponsibility results from the fact that you always get patted on the back when you spend money, and you always catch hell when you increase taxes, so why not just stick to the things that get you the pat on the back? This is so basic that I do not know why anybody ever did not think of it before, but Congress seems to have adopted this.

Now, the Administration, with its \$250 billion limitation, did offer some glimmer of hope, so what little power we had, we're like a fiscal junkie who says, "My God, we can't quit, see if you can't make us quit."

With reference to the \$250 billion, as Nell MacNeil says, it was a sellout of our powers, nevertheless it was our only hope for salvation, that we might stop spending money. It did not go through, but we are going to see

the same thing again. We are going to see increased expenditures with no increase in taxes, and this to me is a disastrous course. But as long as we have the printing press, we can go along and we will just increase this debt until it becomes a trillion dollars, and then we will print a trillion dollar bill and it is all solved.

This sounds so ludicrous, but it is exactly the course we are headed on. The taxes come through inflation and it comes out of your hide, because it is the poor and the old and the weak who cannot protect themselves from inflation. I can't say more than that on that subject.

HEARINGS POSTPONED

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. EILBERG) is recognized for 5 minutes.

Mr. EILBERG. Mr. Speaker, I wish to advise the House that the hearings that subcommittee No. 1 had scheduled for March 21 and 22, 1973, to consider legislation which would establish a preference system for immigrants from the Western Hemisphere, have been postponed for 1 week. The hearings will be held on March 28 in room 2237 and on March 29 in room 2226, Rayburn House Office Building. The hearings will commence at 10 a.m. This announcement will supersede the announcement that appeared on March 5, 1973.

NUTRITIOUS, LOW-COST MEATLESS MENUS

The SPEAKER. Under a previous order of the House, the gentleman from Connecticut (Mr. COTTER) is recognized for 5 minutes.

Mr. COTTER. Mr. Speaker, the April 1-7 meat boycott and grocery checkout slip mail-in to the White House which I announced here 3 weeks ago is sweeping the country. Last Friday night, for instance, the network news programs devoted considerable time to the boycott.

President Nixon and Mrs. Virginia Knauer say they oppose the boycott but suggest that homemakers shop carefully and avoid higher priced items such as meat. If that is not boycotting, I do not know what is. The President does not believe that boycotts can be effective.

Well, I think there is some pretty solid evidence right now that the April 1-7 boycott can, in fact, be effective. Just this morning the Wall Street Journal's Commodities Report contained the following item:

Sharply expanded supplies and reports of growing consumer resistance to record high meat prices curtailed demand for livestock, and prices dropped 25 cents to as much as \$1 per hundred pounds.

If the market is perceiving a drop in demand as a result of individual decisions not to buy meat it should logically respond even more vigorously to an organized and unified boycott during an identifiable period of time, April 1-7.

So much for the effectiveness of the meat boycott.

Many of the calls I have received from people about the boycott concern menus

for nutritious meatless meals. For the benefit of my colleagues and others who are participating in the boycott I offer the following suggestions for nutritious, low-cost, meatless menus for the week of April 1-7. I am indebted to the Virginia Citizens Consumer Council, and the U.S. Department of Agriculture for these suggestions:

SUNDAY

Breakfast

Stewed Prunes, Farina, Rye Bread Toast, Coffee/Milk.

Lunch

Spaghetti with Tomato Sauce, Fresh Fruit and Cottage Cheese, Coffee/Tea/Milk.

Dinner

Lentil Soup, Lasagna without Meat, Onions Quiche, Whole Wheat Bread, Ice Cream, Coffee/Tea/Milk.

MONDAY

Breakfast

Grapefruit Half, Oatmeal, Whole Wheat Toast, Coffee/Milk.

Lunch

Tomato Soup, Egg Salad Sandwich, Pears, Coffee/Tea/Milk.

Dinner

Cheese Souffle, Buttered Cauliflower, Marinated Kidney Bean Salad, Biscuits, Chilled Purple Plums, Coffee/Tea/Milk.

TUESDAY

Breakfast

Orange Juice, Pancakes with Syrup, Coffee/Milk.

Lunch

Pea Soup, Chef Salad with Garbanzo Beans, Apple Sauce, Coffee/Tea/Milk.

Dinner

Cheese Blintzes with Sour Cream, Raw Vegetable Tray, Fruit Salad, Chocolate Cake, Coffee/Tea/Milk.

WEDNESDAY

Breakfast

Orange Juice, Granola, Poached Egg on Toast, Coffee/Milk.

Lunch

Vegetable Soup, Cheese Omelet, Vanilla Pudding, Coffee/Tea/Milk.

Dinner

Eggplant Parmigiana with Motzarella Cheese, Garlic Bread, Green Salad, Coffee/Tea/Milk.

THURSDAY

Breakfast

Pineapple Juice, Cream of Wheat, English Muffin, Coffee/Milk.

Lunch

Onion Soup, Peanut Butter and Jelly Sandwich, Apples, Coffee/Tea/Milk.

Dinner

Welsh Rarebit, Green Beans with Cashews, Coleslaw, Spice Cake, Coffee/Tea/Milk.

FRIDAY

Breakfast

Orange and Grapefruit Sections, French Toast with Syrup, Coffee/Milk.

Lunch

Pizza, Sliced Carrots and Celery, Chilled Apricot Halves, Coffee/Tea/Milk.

Dinner

Vegetable Chow Mein with Cashews, Brown Rice, Green Salad with Cheese Cubes, Coffee/Tea/Milk.

SATURDAY

Breakfast

Grapefruit Juice, 2 Scrambled Eggs, Toast, Coffee/Milk.

Lunch

Tomato Soup, Grilled Cheese Sandwich, Pineapple-Gelatin Salad, Coffee/Tea/Milk.

Dinner

Meatless Minestrone, Manicotti, Broccoli with Vinaigrette Sauce, Italian Bread, Biscuit Tortoni, Coffee/Tea/Milk.

Agriculture Department Home and Garden Bulletins no. 43 ("Money Saving Main Dishes") and no. 183 ("Your Money's Worth in Foods") may also prove helpful to your constituents.

PANAMA RELATIONS REVIEWED

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 5 minutes.

Mr. FLOOD. Mr. Speaker, in the crescendo of propaganda now being featured in the mass news media in relation to the meeting of the U.N. Security Council in Panama, there have been some revelations of significance. For example, there was the news story by Jeremiah O'Leary in the February 21, 1973, Evening Star of Washington on "Panama Relations Reviewed on Hill."

Because some of its points require clarification, I wish to list and comment on them:

First. That the chairman of the House Subcommittee on Inter-American Affairs in hearings on February 20 suggested that Members of the Congress be invited to take part in the stalemated negotiations on the future of the Panama Canal.

Comment: The executive branch of our Government, through inept conduct of policy, caused the situation at Panama. I see no reason why the Congress should assume a burden for which it was not responsible.

Second. That the chairman of the subcommittee stated that any new treaty with Panama would require enabling legislation and ratification by both Houses of the Congress.

Comment: Article IV, section 3, clause 2, of the U.S. Constitution vests the power to dispose of territory and other property of the United States in the Congress, which includes the House as well as the Senate.

Third. That Deputy Assistant Secretary of State Robert A. Hurwitch testified that he had good reason to anticipate no violence during the March 15-21 U.N. Security Council sessions in Panama.

Comment: This may be a valid assumption but the reason for it is that the plans for violence were so effectively upset in my address in the Congress on February 8, on "The Crisis at Panama: A Three-Pronged Attack on Canal Zone" that the radical strategists changed their program.

Fourth. That Mr. Hurwitch stated the bilateral talks have been suspended since January.

Comment: They should be terminated for the simple reason that there is nothing to negotiate.

Fifth. That he said the defense of the canal must be geared to counter sabo-

tage or some kind of uprising in Panama itself.

Comment: The Panama Canal organization and our Armed Forces on the Isthmus have had extensive experience in protecting the canal against sabotage and in 1964 against mob invasion.

In order that the Congress may have the benefit of the indicated news story, I quote it as part of my remarks:

[From the Evening Star and Daily News, Feb. 21, 1973]

PANAMA RELATIONS REVIEWED ON HILL

(By Jeremiah O'Leary)

Chairman Dante Fascell of the House Inter-American Affairs subcommittee has suggested that members of Congress be invited to take part in the stalemated negotiations between Panama and the United States on the future status of the Panama Canal.

The Florida Democrat broached the idea yesterday while questioning Robert A. Hurwitch, deputy assistant secretary of State for inter-American affairs, on the Panamanian situation and the Cuban hijacking agreement. He said any new treaty with Panama would require enabling legislation and ratification by both houses of Congress and suggested that participation in operation of the canal or application of Panamanian police powers and justice to the American enclave.

NONCOMMITTAL RESPONSE

Hurwitch was noncommittal on the Fascell suggestion.

He was questioned closely by subcommittee members on whether the United States expects violence when the United Nations Security Council meets in the Isthmian republic March 15-21. Hurwitch testified he had good reason to anticipate no violence. He dodged questions about whether he had such assurances from Panama's strongman, Brig. Gen. Omar Torrijos, but indicated he was nearly certain Panama was not interested in a violent confrontation.

"We had reservations about the U.N. meeting being held in Panama but we're not sulking," Hurwitch declared. "We believe the rhetoric could get out of hand, not necessarily by Panama but by some of our not-so-good friends at the expense of the U.S. We felt the atmosphere would not be conducive to the talks."

The bilateral talks, he said, have been suspended since January when a Panamanian official publicized the secret positions of both governments. Washington informed Panama how it felt about that, Hurwitch said. Now, he said, the United States is so caught up in preparations for the Security Council meeting that negotiations probably will not resume until afterward.

AGREED IN PRINCIPLE

He said the United States has agreed in principle to almost all aspects of the new treaty but that now the problem lies in specifics, such as the time schedule for handing over portions of the zone and giving up police and court powers. The defense of the canal, he said, obviously must be geared either to counter sabotage or some kind of uprising in Panama itself. There is not enough U.S. manpower there to prevent sabotage, he added, and the Guardia Nacional is better equipped to handle local uprisings.

On the Cuban situation, Hurwitch said the recent hijack agreement has changed nothing about U.S. conditions for normalization of relations. He said Havana is still unremittingly hostile to the United States. There was never any indication given by the Cubans to the Swiss go-betweens of any change of mind, Hurwitch said.

The U.S. position, he said, is generally that we are willing to have relations with other

countries if they are willing. Cuba has not abandoned its anti-U.S. policy, he added, and is still training Latin subversives for activities against the governments of other hemisphere countries.

THE SHORTCOMINGS OF PHASE III

The SPEAKER. Under a previous order of the House, the gentleman from Rhode Island (Mr. TIERNAN) is recognized for 5 minutes.

Mr. TIERNAN. Mr. Speaker, when Treasury Secretary Schultz introduced phase III of the President's war on inflation, last January, he and other administration spokesmen praised it as the end of the constricting wage and price regulations of phase II, and the beginning of a new era of labor—business cooperation and self discipline. Many of us at that time had serious doubts about the program, about whether the Administration was too hasty in removing the wage-price controls and whether it was serious in stepping down hard on inflationary increases in wages and especially prices. The administration tried to allay our fears with talk of swinging the stick of price or wage rollbacks. Our misgivings remained, however, and now it appears that they were justified.

Phase III is slipping badly. It is obvious that in a normal economic situation wage and price controls are galling, time-consuming and inefficient. It is equally obvious in such an economic situation that business and labor should have the self-discipline and foresight to work against inflation outside of Government regulation.

But we are not in a stable economic situation. The wholesale price index rose at a 1.9 percent clip in February, the highest in 22 years. Food and farm wholesale prices rose in February 3.2 percent. Over the past 3 months, the annual rate of increase for wholesale food has been 56 percent. The voluntary controls which are the basis of phase III are just not working.

However, Mr. Dunlop and Mr. Shultz are showing a definite reluctance to use the much heralded stick in the closet to roll back price increases.

The time has come to do away with phase III. It is really now or never, for perhaps now the new inflationary spiral may be nipped in the bud; too long a delay means we will once again be on the escalator to ever higher prices and wages.

What is needed is a system of clear-cut regulations and guidelines. The ambiguities of phase III have no place now. Moreover, the Government must show that it will firmly back up its guidelines. The stick in the closet has shown an alarming propensity for staying in the closet; it must now be wielded with determination and vigor.

Right now, the critical areas are prices and food production. Definite price ceilings should be reinstated, and strictly enforced. If this means bringing back the sometimes cumbersome machinery of phase II, so be it. If it means a tighter squeeze on profit margins, also so be it. The need is great, and business after the boom year of 1972 can well afford it.

Food prices are the most obvious signs of the new inflation, and in many ways the most painful. The time has come for price controls on farm products. As distasteful as they may be, price controls on agricultural products are a necessarily drastic measure to handle a drastic situation.

If food prices keep taking a larger and larger chunk of the workingman's wage, how can we deny his union the right to demand raises to compensate? Some labor leaders have already declared that they cannot follow the 5.5 percent guideline. The situation is critical because 4.7 million workers will come up for contract talks this year. To avoid ruinous strikes or inflationary wage increases it is necessary that action be taken now.

It is too bad that phase III has failed. The concept of voluntary controls in a free market is, of course, much more pleasing than that of governmental regulation; unfortunately it has proved to be much less effective. The administration must now show the integrity and courage to admit the failure of phase III and take the necessary measures to combat inflation.

Business Week magazine apparently shares our concern about phase III. Although initially welcoming it, Business Week now regards the shortcomings of phase III as unavoidable and beyond reasonable hope of correction. Business Week illustrates the failures of phase III with its editorial of March 10, and makes suggestions for a new program to fight the inflation. These suggestions merit close attention; therefore, I would like to submit this constructively critical editorial for the RECORD:

[An editorial from the March 10, 1973 issue of Business Week]

PHASE III CONTROLS: TOO VAGUE, TOO NARROW, TOO WEAK

A scant two months after President Nixon's abrupt announcement of Phase III, the whole system of wage and price controls is on the verge of collapse. What began as a well-conceived effort to put some flexibility into the rigid rules of Phase II and move the economy back toward the discipline of the marketplace threatens to end in disaster.

The consumer price index shot up 0.5% in January, an annual rate of 6% in family living costs. The wholesale index for food and farm prices soared 2.9%, promising yet more trouble when these increases work their way through to the supermarket checkout.

Labor leaders are openly scornful of the idea that 1973 wage increases can be held to the 5.5% guideline of Phase II. They are talking of 7.5%, and 8% and even more.

In the international money markets, new raids on the dollar—triggered by growing mistrust of Phase III—have already forced the President to declare another 10% devaluation. The international payments system has broken down completely, and the world faces the disconcerting prospect of floating currencies and monetary chaos for an indeterminate period.

The stock market dropped 100 points in what was largely a vote of no confidence.

Whatever its theoretical merits, Phase III is a failure. And the nation simply cannot afford a failure of wage and price controls. Instead of applying patches like this week's new oil regulations, the President should terminate Phase III and replace it with a new set of controls that will work.

METAPHORS ARE NOT ENOUGH

Above all, these new rules must be clear, explicit, and backed by a firm determination to make them stick. Phase III suffered from bad luck and bad timing, but its fatal flaw was ambiguity. The country waited for clarification, and clarification never came. Administration spokesmen—Treasury Secretary George Shultz, Phase III administrator John Dunlop, and the President himself—all spoke in metaphors. Presumably the clampdown on oil was designed to demonstrate that there really is "a stick in the closet," but the implication is that it will be used only in special situations and then applied lightly.

Essentially, this is the approach of the mediator rather than the controller. A mediator does not lay down the law to anyone. He shuttles back and forth between the parties to a dispute, sympathizing with both and looking for acceptable compromises.

John Dunlop used this technique successfully in the construction industry to bring wage increases to acceptable levels. But what worked in a particular industry over a period of time will not work in an economy facing an immediate inflationary threat. The U.S. cannot mediate with the forces of inflation. It must control them.

For that reason, the Administration must make it clear that there is nothing "voluntary" about the new rules. And it must spread its enforcement net wide enough to ensure compliance by small producers and small labor groups as well as large. The idea that an economy can be managed by applying pressure at a few key spots in big companies and big unions may be workable when the system already is more or less in balance. It is an evasion of the issue—a cop-out—when an inflationary explosion is impending.

THE URGENT PROBLEM OF PRICES

The immediate focus of the new program must be prices. This is the critical area now. The showdown with labor over wage increases will come later. And the controllers will have no hope of winning that showdown without a clean record on prices in the months just ahead.

To control prices there must be clear rules on figuring ceilings and determining what costs can be passed through. There must also be an enforcement apparatus. This means bringing back some of the galling, time-consuming paperwork of Phase II—the reporting and substantiation of price increases. It may also mean a tighter squeeze in profit margins.

All this will be painful for business, but with the economy going into its second year of rapid expansion and with profits still gaining, business cannot plead hardship as it legitimately could in 1971.

Like it or not, the Administration should also expand its price controls to include changing hands for the first time. From the beginning, the exemption of farm prices has been the great weak spot in the control system. Unless the President plugs this hole, he cannot hope to make the rest of the control machinery work.

The best approach to the farm price problem would be to set ceilings, based on the record highs of the past year, and reinforce them by a vigorous program aimed at increasing supplies in the 1973 crop year. Any controls on farm prices involve the risks of shortages and black markets—as well as the political protest from the farm bloc Congressmen. But for the short term, controls are the only way to keep farm prices from dragging the whole economy into more inflation.

If the Administration can make controls stick on prices—especially on food prices, which are more than 20% of the consumer price index—it can reasonably say to labor that the 5.5% guideline is the limit for 1973 wage increases. And that is what it must

do if the U.S. is to come out of the year with inflation at last winding down.

This is a crucial year for wage bargaining. It marks the start of a new cycle, with such key industries as rubber, electrical manufacturing, and autos writing new contracts. From the start, the basic strategy of the controls program has been to steer these pattern-setting contracts toward noninflationary settlements. Now, at the critical moment, the U.S. needs controls that work.

REVENUE SHARING FOR CRIME CONTROL

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. JAMES V. STANTON) is recognized for 30 minutes.

Mr. JAMES V. STANTON. Mr. Speaker, the legislation that established a Law Enforcement Assistance Administration in the Department of Justice expires on June 30, and one of the important tasks confronting Members of Congress in the next few months will be consideration of bills giving this embattled agency a new lease on life. The administration has submitted to Congress H.R. 5613, the so-called Law Enforcement Revenue Sharing Act. An alternative proposal, having bipartisan support, of which I am the author and of which the Honorable JOHN SEIBERLING of Ohio is the principal co-author, is H.R. 5746, the Emergency Crime Control Act of 1973.

We view our bill as more realistic, Mr. Speaker, because it zeros in on places around the country where two-thirds of the crime occurs—the large urban-suburban areas. Ours, too, is a revenue-sharing bill. As a matter of fact, if we move far enough along on the road to revenue sharing—as far as the administration and Congress already have taken us in the General Revenue Sharing Act of 1972, and as far as President Nixon would have us come with most of his special revenue-sharing proposals—we arrive, Mr. Speaker, not at the administration's bill, but rather at the Stanton-Seiberling bill. Under the administration bill, the process of revenue sharing reaches a sort of dead end in the State capitals. The Stanton-Seiberling bill keeps Federal funds for crime control on the move, so to speak. It routes the aid from Washington to the State capitals, and then on to what we define as "high crime urban areas."

Mr. Speaker, you and others here of course are aware of the running controversy that began with the establishment of LEAA in 1968. Some Members of Congress wanted State-oriented legislation. Others wanted a city-oriented bill, with aid dispensed on a project-by-project basis. H.R. 5746 resolves this question with an even-handed approach. It does away with categorical aid, whether it be to States or cities. Our bill accords block grants to the States, to be used by each State for its own needs and for giving guidance and assistance to areas of relatively light population and comparatively low-crime rates. The legislation also retains fund pass-through provisions for these areas. And the bill also awards block grants to the "high crime urban areas"—the large county-city-urban

complexes where the streets are particularly unsafe.

UNSAFE STREETS

The fact that the streets still are unsafe is a point that would seem to require no emphasis. However, after reviewing Attorney General Kleindienst's incredible testimony last Thursday before House Judiciary Subcommittee No. 5, I must say that rebuttal is necessary, for the record. The fact is that, after four and a half years, the LEAA still is not effective. We must restructure that agency's program in a way that would have it perform much better—not only to safeguard the \$2.5 billion investment that the taxpayers have already made in LEAA, but also to justify any new expenditures on behalf of a program that heretofore has accomplished little more than to spawn a giant new bureaucracy in Washington, and a second generation of smaller bureaucracies at the multi-state regional level, at the State level, and at the substate regional level.

If the present LEAA program were as effective as Mr. Kleindienst would have us believe it is—and we must keep in mind that the administration's proposal really does not alter that program a great deal—then we would not have the Gallup organization rating crime, only last January, as the worst urban problem. Dr. Gallup reported that the "fear of crime has pervaded all levels of U.S. society," and that it heads "the list of concerns of residents of cities and communities of all sizes across the Nation." He continued—and I quote:

Half of all persons interviewed (51 per cent) think there is more crime in the areas where they live than there was a year ago . . . A comparison of current survey findings with those . . . in early 1972 shows increasing pessimism. At that time, a considerably smaller proportion of citizens (35 per cent) . . . said crime was on the increase.

Mr. Speaker, I have checked with the Gallup organization to determine how these findings were made. I think it is significant that, when interviewers asked the question—"What do you regard as your community's worst problem?"—they did not hand the subjects a check list. Twenty-one percent—spontaneously—ventured that crime was the worst problem, an additional 10 percent said it was drugs and an additional 6 percent said it was juvenile delinquency. Other problems cited, but not nearly as frequently as crime and problems associated with it, were traffic, high taxes, pollution, and so forth.

Similarly, Mr. Speaker, a recent survey by Life magazine, with 43,000 readers who "approximate the national population distribution" responding, produced these findings: 78 percent sometimes feel unsafe in their own homes; 80 percent in big cities are afraid in the streets at night; 43 percent of families were crime victims last year; 30 percent keep a gun for self-defense; 41 percent say their police protection is inadequate; and 70 percent would pay higher taxes for better protection.

I submit, Mr. Speaker, that these are the people whom we represent, and it is their feelings, rather than Mr. Kleindienst's statistics, that more likely reflect the true situation. At the Judiciary

Committee hearings, the Honorable Peter Rodino, the distinguished chairman of that panel, offered statistics that were less cheerful than those presented by the Attorney General. I will not attempt to reconcile the opposing figures. But I would like to make two points.

First, statistical trends mean nothing to the man or woman on the street. Only the overwhelming number of crimes has meaning. I present here an excerpt from an article in the Cleveland Plain Dealer of November 28, 1972. It is self-explanatory. I quote:

Although crime in Cleveland is down 7.2% for the first nine months of this year—(a figure which itself, incidentally, has been challenged)—the crime rate is five times what it was 10 years ago. Cleveland police reported 9,054 felonies in 1962. Last year there were 46,295. There are already 30,353 marked up for the first nine months of this year. Homicides are up 19.1%. Rape is up 12.2%. Robberies decreased 6.3%, but there were 3,939 committed. There were also 1,468 assaults.

Second, I wonder whether Mr. Kleindienst is so certain of his statistics that he personally would want to venture out alone at night on the streets of Washington, which, statistically, he says, are much safer. I wonder whether he would care to walk the streets of Cleveland at night—or the streets of some other city. I do not think he would. I do not think you would. I know I would not—and neither do most of my constituents.

I say these things because I think it is vitally important that we begin here by rejecting bland assurances of progress, and that we draft new legislation that will protect and reassure our constituents. I am convinced that meaningful reform of LEAA can be achieved only through an honest appraisal of where we stand, and through some fresh thinking on where we ought to go.

LOCAL OFFICIALS KNOW BEST

With all due respect, Mr. Speaker, to our own past efforts and those of two administrations, we ought to begin by acknowledging that we in Washington, after all, do not know the answers. After four and a half years of the LEAA program—and \$2.5 billion later—we still do not know what causes crime—or, once crime occurs, how to cope with it in a manner that best serves the interests of society. These answers so far have eluded not only the Federal Government but also, we must confess, the 50 State governments.

It really is not surprising that this is so. Because of their limited jurisdictions, Federal and State officials concerned with law enforcement and administration of justice have had little or no experience in dealing on the streets with the kinds of crime that frighten people most—the muggings, the robberies, the rapes and other assaults. An infusion of Federal funds and the establishment of new bureaucracies has not measurably increased the capability of the Federal and State governments. This failure was inevitable. For we must keep in mind, after all, that we have not increased the operational responsibility of the Federal and State officials. It is the local officials who have remained on the front line in

the fight against crime. In the year 1973, we still look to our city and suburban police, to our sheriff's deputies, our trial judges, our prosecutors, our probation officers, our Mayors, our county commissioners, our city and suburban councilmen, for immediate assistance when crime threatens, and when crimes occur.

H.R. 5746 accepts this reality. It recognizes that we do not want to change our laws to create, in a democratic society, new institutions that might start a trend toward centralization of police powers and functions at the National or State levels. We want this power dispersed—to be exercised, at it always has been in the United States, locally—by public officials who, for the most part, are elected by the people. We do not want to arm faceless bureaucrats with control of the police, nor do we want to trust them to dispense justice.

Our bill, then, provides the local officials who have such responsibility—and who, we insist, must keep it—with adequate financial assistance to carry out this mission. Our rationale is that somewhere out there in the big cities, there must be people with brains, experience, and motivation sufficient to deal with crime at least as successfully—or no worse—than it is now being dealt with under State and Federal overseers. And if these local officials fail, H.R. 5746 will no longer permit them to pass the buck on up to the State and Federal Governments, as the habit has been of late. Rather, they would have to answer for it at the polls.

What I am preaching here, of course, is decentralization—the philosophy underlying revenue sharing. As Alice Rivlin of the Brookings Institution points out, there has been a “conversion of liberals” to this concept, because of “a new realism about the capacity of a central government to manage social action programs effectively.” She adds, though, that we are not ready to give up entirely on the notion that there ought to be a Federal role, and that the States should not end up with everything—because “within States, resources are frequently concentrated where the problems are least acute.” She continues:

The intervention of the federal government is required to channel resources to areas of need, a task that, fortunately, it is well equipped to handle. Two activities that the federal bureaucracy carries out with great efficiency are collecting taxes and writing checks. . . . Since the federal government is good at collecting and handing out money, but inept at administering service programs, then it might make sense to restrict its role in social action mainly to tax collection and check writing and leave the detailed administration of social action programs to smaller units. This view implies cutting out categorical grants-in-aid with detailed guidelines and expenditure controls. . . . Lower levels of government would receive funds through revenue sharing or bloc grants for general purposes.

As to accountability, Mrs. Rivlin holds—and I agree with her analysis—that we ought to state it not “in terms of inputs—through detailed guidelines and controls on expenditure”—but, rather, through outputs. In other words, our local law enforcement and criminal justice officials should be held accounta-

ble afterwards, in terms of their performance in bringing crime under control.

This is the kind of program contemplated by H.R. 5746. Through this legislation, as I envision it, the role of the Federal Government would be to give financial support, to engage in broad research into the causes of crime and means of coping with it, to disseminate nationally information about successful programs in specific places, and to perform such other functions as gathering statistics and assuring their veracity. The States would have the role of assisting smaller communities, coordinating crimefighting efforts within the States, and operating the one major program for which States have primary responsibility, that being the prison program. And the role of the cities, suburbs, and counties would remain what it now is—conducting the operations in the war against crime, but better armed financially to use the resources of the police, the courts, and a mix of social programs.

A PROGRAM CHOKED BY REDTAPE

I submit, Mr. Speaker, there is another important reason for directing money quickly to the “high crime urban areas” in the form of block grants. The reason is that the pipeline for Federal assistance funds is so clogged with redtape that much of the money still is stuck there, four and a half years after the establishment of LEAA. We are in a position where the President has asked for money, Congress has appropriated it, LEAA has put it in the pipeline—but incredibly large amounts of it have moved not at all, or hardly at all. If the money leaving Washington is intercepted in the State capitals, becoming unspeakably tardy in reaching the large cities where most of the crimes are being committed, then what good is the money?

Late in 1971, when I first called attention to this fact on the House floor, I reported the General Accounting Office had informed me that fiscal year 1971 ended with 92.1 percent of the funds appropriated for that year still being held in State capitals. The money had not been spent because it had not been forwarded to the cities. Ten States had made no distribution at all of 1971 funds—Alabama, Alaska, Connecticut, Florida, Hawaii, Minnesota, Nevada, Oregon, South Dakota, and Virginia. Furthermore, more than half of the fiscal 1970 money still had not been spent at that time.

I have had the Comptroller General run a more recent check for me. Here are some of his findings—as of September 30, 1972, 3 months after the close of fiscal year 1972:

Nearly 20 percent of the LEAA's fiscal 1970 funds still had not been disbursed to local governments by the State of New York. The figure for California exceeded 20 percent. For Alabama and Hawaii, it exceeded 10 percent.

As to fiscal 1971 funds, more than half of them—and I cite here only a few examples—were still being held in the State capitals in Illinois, Virginia, Alabama, and Washington State, and nearly half had not moved from the State capitals in Pennsylvania, Florida, and Wisconsin.

As to fiscal 1972 funds, more than 90 percent of the State's allocation still had not been distributed to the cities in Connecticut, New Jersey, Maryland, Virginia, Kentucky, California, Oregon, and Washington State—again, to cite only a few examples.

Furthermore, I learned from the Comptroller General that as of a few weeks ago, some \$12 million had to be returned to the LEAA in Washington by various States because redtape had prevented the States from spending the money fast enough, and the spending deadline had lapsed.

H.R. 5746 would purge the LEAA program of most of this redtape by doing away with the requirements for separate applications, planning papers, and justification papers for each law enforcement and criminal justice project. The State capitals and the “high crime urban areas” would receive lump sums of cash from LEAA, and they would draw on these sums as they see fit. The make-work of paperwork would come to an end.

ANALYSIS OF STANTON-SEIBERLING BILL

I would like to move now to a brief analysis of the Stanton-Seiberling bill. However, I must point out that the bill, reintroduced this year, was drafted for the 92d Congress—at a time when the legislative authorization for LEAA was not about to expire, as it is now. Therefore, the bill as presently retains certain cash-match and other provisions which, in my opinion, should not be in the law at all. If I were redrafting the legislation today, it would emerge as a clean revenue sharing bill. I have not done so only because I know the Judiciary Committee will likely start from scratch to mark up new legislation. Therefore, I offer H.R. 5746 primarily as a legislative vehicle. It has not been updated, but its central provisions do point the way to true revenue sharing for law enforcement.

These are the provisions:

First, the bill seeks to establish new entities for LEAA purposes, termed high crime urban areas. These are defined as “any city with a population of not less than 250,000 and any counties, boroughs, or parishes, if any, with respect to which such city substantially uses or shares services relating to law enforcement.” In virtually all cases, we are speaking of large cities, their suburbs and the countries in which they are situated.

The figure of 250,000 obviously is arbitrary, but it was selected for two reasons. First, I believe it is necessary to concentrate LEAA funds in areas of great need rather than to spread this money around the country in a “thin dew,” as one writer has described it. Second, it happens that metropolitan areas of this size are precisely the ones that need this assistance most. These areas, while accounting for only 20 percent of the Nation's population, experienced 40 percent of the serious crime in the United States in 1971. The average serious crime rate for these cities was 55 per 1,000 population, compared with 22 per 1,000 for the rest of the Nation. Also, these cities, when combined with their surrounding metropolitan areas, account

for 66 percent of the Nation's serious crime.

The reason for including counties—not merely cities—in the so-called high crime urban areas is that, in most jurisdictions the city controls the police force alone, while the county operates the courts and correctional facilities. No comprehensive programs could be launched were the courts and correctional officials not brought into the planning and operation.

In this connection, I would like to point out, Mr. Speaker, that my city, Cleveland, was chosen by LEAA as one of the eight so-called special impact cities, which are receiving special LEAA grants of \$20 million apiece over 3 years. Despite the generosity of the Justice Department for my bailiwick, I am critical of this program because the money is given only to the city, with the suburbs and the county being frozen out. I doubt that an effective crime-fighting program can be mounted in Cleveland for this reason. I have other criticisms of the Cleveland program which I shall be inserting soon in the Record. But at this point, Mr. Speaker, I would like to point out that H.R. 5746 covers all the large cities, not merely eight, and it covers them as a matter of right. They are not selected for special favors by the political process, and no one would be able to level that accusation.

Second, the bill asserts that each high crime urban area shall constitute a separate regional planning unit. This would preclude its becoming submerged in any larger intrastate region that might exist for LEAA purposes inside the State. In this connection, Mr. Speaker, I would like to point out that this provision of H.R. 5746, as are most of the other key provisions, is consistent with the plan initiated in Ohio by Gov. John Gilligan, who has launched a program of dispensing block grants of LEAA funds to the State's six largest metropolitan areas.

Third, the bill provides that receipt of the block grant by "high crime urban areas" hinges only on two simple conditions. One is that the area would have to submit a plan for use of the money, although there would be no requirement for awaiting review and approval of the plan. To impose such a requirement would serve only to retard the flow of funds. The second is that a criminal justice coordinating council would have to be established in the area, and notification would have to be given of its existence. The Council would consist of representatives of the city, suburban, and county governments—officials representing the police, the courts and corrections—and it would have complete control over all LEAA money allocated to the area. Its existence would assure a coordinated, comprehensive attack on the crime problem. Until such a council is organized, the "high crime urban area" would be ineligible to receive the LEAA block grant.

Fourth, the bill states it is the intention of Congress that the block grants be used in addition to, rather than in lieu of, any funds budgeted locally for crime control and the administration of justice.

Fifth, the bill allocates to each "high crime urban area" a sum of money based on the area's population and crime rate, under a formula that weights the crime factor twice as heavily as population. For example, my Cuyahoga County has 16 percent of Ohio's population but more than 23 percent of its crime. Therefore, the formula would dictate for Cuyahoga County a block grant equal to 21 percent of the money allocated to Ohio by LEAA for distribution to local governments and combinations thereof.

Sixth, the bill does not change the formula under which States are allotted LEAA money. Population is the principal criterion for this purpose. Nor does it interfere otherwise with the pass-through of LEAA funds received by the State, to smaller units of local government.

This completes my presentation today, Mr. Speaker. I will have more to say on this important topic in the weeks to come.

EMERGENCY EROSION LEGISLATION

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI) is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, last week I addressed this Chamber on the growing crisis in the Great Lakes region. The record-high water levels that I spoke of then have not receded. The lakes continue to rise. Hardly a day goes by when the waters of Lake Michigan do not claim as their own more valuable shore property. Our newspapers are filled with photographs of lakeside homes whose once serene surroundings have turned into nightmares for all their residents. Yes, the lake continues to rise, slowly washing away the remaining land that once separated the water from the homes that rim its edge. From Michigan to Wisconsin, the damage from the high waters of the lake are presently being counted in terms of millions of dollars.

The answers to this problem are as complex as its origins. Flood control programs and water diversion techniques take years to implement. They are indeed the answer, but their implementation provides us little comfort at the present time. We need to provide disaster relief for those persons who have already lost their homes and immediate aid to those who are now in present danger of losing them.

It is for this reason that I have today introduced four separate pieces of legislation to provide—immediate relief to those areas that are most seriously affected by the high water and—long-range planning that will be necessary to avert such damaging water levels in the future.

These four bills have been introduced on the Senate side by my colleague from Illinois, Senator ADLAI STEVENSON. They are designed to complement the legislation that I introduced last week to divert a larger quantity of Lake Michigan's water into the Illinois Waterway. They are an attempt to combat erosion today, while the diversion legislation is an at-

tempt to take away the cause of the erosion in the future.

I would like to insert a short summary of each of these pieces of legislation in the Record at this point for my colleagues' attention:

First. A bill giving the Army Corps of Engineers emergency erosion control authority comparable to its present flood control authority. Under present law, the corps has been faced with either characterizing erosion as flooding, or refusing to do any emergency work while shorelines wash away. Under this bill, the corps would be authorized to repair, construct, or modify erosion control structures in Lake Michigan and elsewhere on an emergency basis.

Second. An amendment to the Disaster Relief Act of 1970, to include erosion among the specified natural disasters which qualify for low-interest loans and other forms of disaster assistance. Under this bill, communities where life or property is endangered by severe erosion would be eligible for Federal assistance on the same basis as areas stricken by floods, hurricanes, earthquakes, and other natural disasters specified in the present law.

Third. A bill to provide Federal reimbursement under the Rivers and Harbors Act of 1968 for the prevention or repair of shore damages caused by erosion attributable to Federal navigation structures. Under the present reimbursement provisions of the Rivers and Harbors Act section 111, the Army Corps of Engineers must complete a study ascertaining Federal fault before construction can be undertaken for the "prevention or mitigation" of shoreline damage. Under this amendment, individuals and communities could go ahead with projects for the protection or restoration of shorelines without waiting for completion of the Corps of Engineers' study and would be eligible for reimbursement for projects which are consistent with the study's final recommendations.

Fourth. A bill authorizing a study of Lake Michigan to determine causes and means of preventing erosion. This study would be carried out under the Coastal Zone Management Act of 1972 by the National Oceanic and Atmospheric Administration. Specifically, the study would be aimed at determining whether breakwaters designed to protect the Lake Michigan shoreline have instead contributed to its erosion.

Mr. Speaker, I feel that these measures will give those embattled residents of the lakeshore hope both for the present and in the years to come. This Stevenson-Rostenkowski legislation will allow the Army Corps of Engineers to use their experience, expertise, and considerable resources to combat the present crisis. The corps are prepared to help if only they are given the authority.

Qualification for low-cost disaster loans and the possibility of eventual reimbursement of expenses are two more aspects of this legislative package that give lakeshore residents hope for the future.

Finally, the study provided for in the fourth piece of legislation will hopefully provide us with the long-range answers as to which method of flood control or

water diversion would be in the best interest of all those who share Lake Michigan as their turbulent neighbor.

LYNDON BAINES JOHNSON: A TOWER OF STRENGTH

The SPEAKER. Under a previous order of the House, the gentleman from West Virginia (Mr. STAGGERS) is recognized for 5 minutes.

Mr. STAGGERS. Mr. Speaker, Dante wrote:

Be as a tower, that, firmly set
Shakes not its top for any blast that blows.

The age which seems to be passing into history has been an age of strong men. Strong men inevitably polarize public opinion. They arouse bitter antagonism or strong loyalties. The antagonists are seldom sure whether their opposition is directed against the man or against his acts.

But, says Walter Lippmann:

The man must die in his appointed time. He must carry away with him the magic of his presence and that personal mastery of affairs which no man, however gifted by nature, can acquire except in the relentless struggle with evil and blind chance. Then comes the proof of whether his work will endure, and the test of how well he led his people.

The towering figure of Lyndon Johnson has passed untimely from the scene. No longer can his physical presence create passionate resistance or blind acceptance. Already there is beginning to emerge a clearer picture of the relentless pressures which brought American society to the boiling point in the age of Johnson. In the words of Lowell:

It is out of that inaccessible tower of the past that Longing leans and beckons.

For Longing must understand and evaluate the stresses of the era in which President Johnson moved and which he, in large part, resolved and restructured into a viable society. In the half century which covered the career of Lyndon Johnson, the fountains of the great deep were broken up, and new ideas surged to the surface. Those ideas were in conflict with the social and economic wisdom of the past. Were they indeed evil, as many argued, or were they an enlargement of the American dream?

The world in which our children are born today is almost as far removed from the world which their grandparents knew and endured or loved, as the case may be, as are the Middle Ages of European history. Is it necessary to itemize the social changes which are firmly established in everyday life—civil rights, social security, the extension of the franchise, distribution of the products of industry? Or achievements in the world of science and industry? Or in the field of health service? I would not so fret you.

If, however, full and complete lists of all changes which have come to benefit men of all ranks and classes were made, it would be found, I believe, that Lyndon Johnson's name would be found in undeviating support of all.

Wise statesmen are those who foresee what time is bringing, and endeavor to shape institutions and to mold men's

thoughts and purposes in accordance with the change that is silently surrounding them.—Morley

Such a leader lifts his times out of the limits of the night and brings them into the light of true acceptance of our common humanity. "To endure is greater than to dare," writes Thackeray. "To tire out hostile fortune; to be daunted by no difficulty; to keep heart when all have lost it; to go through intrigue spotless; to forego even ambition when the end is gained—who can say this is not greatness?" "Amid life's quests, there seems only one worthy one: to do men good."

This is the tribute I would offer with the utmost sincerity to the memory of President Lyndon Johnson whose name will illuminate the proudest pages of history as the years pass into centuries. I am honored to have been a member of Lyndon Johnson's host of admirers. I am proud that I have been privileged to support him in his efforts to build a better America.

Lyndon Johnson is no longer with us in the flesh. But his warm personality hovers over us like a protecting spirit. I was his friend, and I did not have to guess it. Perhaps the surest evidence of greatness is the ability to win a wide circle of enduring friends. To such a circle I am happy to belong. When all animosities have been dissolved by time, I am sure that circle may include most loyal Americans.

HAWAII PINEAPPLE INDUSTRY

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, the Hawaii pineapple industry as we know it is on the verge of extinction.

Twenty years ago Hawaii had nine pineapple companies, but this number has dwindled at an accelerating pace. Today there are only four left. The demise of another within a year has already been announced. Most recently, one of the remaining three said it will discontinue its operation on the island of Molokai by 1975 or 1976. Another of the three also announced it will terminate its activities on Molokai, leaving the island virtually without any industry of any kind.

The handwriting is on the wall, and we must anticipate that in a very short time there will be no pineapple canning industry left. The only thing remaining will be fresh pineapple, which will be grown on a limited basis.

In 1950, Hawaii had 72 percent of world pineapple production. Now we have less than half that figure.

Simply stated, Hawaii's pineapple industry has declined while competitive pineapple industries in other parts of the world have grown and flourished. While Hawaii's pineapple wages are quite high and compare with as little as 8 cents an hour in Taiwan and the Philippines, Hawaii's pioneering emphasis on mechanization has at least reduced the impact of the wage differential.

The sad truth is that much of the reason for the decline of Hawaii's pineapple industry is the artificially low import duty levied by the United States against foreign pineapple. The present tariff rates were established years ago when foreign pineapple was not a factor in world trade, but they no longer reflect the present balance of competition. In 1930 there was a duty of 2 cents per pound on pineapple and 70 cents per gallon on pineapple juice. This was reduced over the years to three-fourths of a cent per pound—January 1, 1948, GATT, Geneva—and 5 cents per gallon on concentrated canned pineapple juice. Currently, the tariff on pineapple is the equivalent of approximately 6.6 percent ad valorem. This compares with such extremely high protectionist rates as 24.6 percent imposed by the European Common Market to protect such areas as Martinique and the Ivory Coast; 55 percent imposed by Japan in favor of Okinawan production; and similar barriers elsewhere.

The success of Hawaiian pineapple products in the U.S. marketplace depends on the decisions made by millions of shoppers in supermarkets across our land. When shopping, the consumer compares the price and amount of pineapple available with the price and quantity of other fruit products on the shelves. All too often Hawaiian pineapple can be undersold, because of the lack of tariff protection as compared with that for other fruits which compete with imported products. The existing import duty on canned citrus fruits, canned apricots, and canned dates, is 35 percent ad valorem, as against only 6.6 percent ad valorem equivalent for pineapple. Similarly, Hawaiian canned concentrated pineapple juice receives only 5 cents per gallon of protection from imports, compared with 35 cents a gallon protection for orange and other citrus concentrated juices. There is no logical reason why pineapple should have lesser protection than its principal competitors in the marketplace.

To remedy this situation, I am introducing legislation today to convert the tariff on pineapple to an ad valorem system, with the rate set at 35 percent for canned fruit, the same as exists with respect to competitive food products. My bill also increases the duty on concentrated pineapple juice imports to 35 cents per gallon from 5 cents, again to put pineapple in line with competing fruit juices.

The overall effect would remove some of the subsidization we now give to foreign-produced pineapple in the form of artificially and arbitrarily low U.S. tariffs. It would enable Hawaiian pineapple to compete on a par with foreign pineapple for a better share of the U.S. market.

Enactment of this legislation is vital to protect and preserve our pineapple industry in Hawaii. Without this protection, we run the risk of losing an industry which employs 6,000 full-time, year-round and 12,000 part-time workers. The pineapple industry is the second largest agricultural industry in Hawaii, and all steps must be taken to prevent its artificially induced demise.

I hope that early action is taken on this important legislation.

EMERGENCY LEGISLATION TO SAVE THE ANTIPOVERTY PROGRAM, MARCH 20, 1973

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, 22 Members of the House have today joined me in cosponsoring emergency legislation to continue the Nation's antipoverty program.

This legislation is necessary because of the President's announced intent to abolish the Office of Economic Opportunity, the agency created by Congress to combat poverty because other agencies were not doing this job.

In proclaiming the demise of OEO, the administration directed that all community action agencies begin to dispose of their property such as desks, typewriters, and other office equipment. On March 14, I introduced H.R. 5618 to direct that all OEO grantees be permitted to retain such equipment if they continue functioning as nonprofit corporations pursuing the same programs using funds from local or other sources. Later that day, I am advised, the national headquarters of OEO issued new instructions to regional offices on steps to implement their dissolution, including revised regulations on the disposition of property.

In brief, the OEO grantees are being given four options on property: Retain it in a continuing antipoverty program funded by other Federal sources; transfer it to a public or private nonprofit agency pursuing antipoverty programs; purchase it from the Government at the fair market value; or declare the property excess and turn it over to the General Services Administration for disposal. I am attaching the text of this new OEO Instruction 6730.3, dated March 15, 1973, at the conclusion of my remarks.

It appears that if grantees continue functioning in pursuit of the same antipoverty goals, using non-OEO funds, they can continue using their office equipment. But this is permissive authority being granted at the discretion of OEO, and it can be withdrawn in the same manner. I feel it is essential that statutory protection be granted to OEO agencies at the local level so they will not have all their desks, typewriters, filing cabinets, and other equipment withdrawn by Washington.

Second, the new OEO directive does not provide for the continued use of excess property received by grantees. Most of this is vehicles, the title to which remains in OEO. I am advised by the General Services Administration that these vehicles and other excess property will have to be returned to GSA through the OEO. Thus, without this legislation grantees in any event will be deprived of all the assistance they have received under the excess property program.

Under the initial OEO directive, grantees would have been without the means of continuing their programs even if they obtained local funding as out-

lined by President Nixon. All their means of operation would have been turned over to GSA for disposal. To continue the program, all new office equipment would have to be purchased, at prohibitive expense. Thus, the promise of continuation with local funding would have an empty hope barren of potential for fulfillment.

The new OEO instruction follows:

MARCH 15, 1973.

OEO INST. 6730-3

Outstanding loans should be liquidated.

5. Personal property:

A. Inventory.—Grantees will inventory all Section 221 non-expendable property on hand at least 150 days prior to grant termination. Inventories will be submitted to the OEO Property Administrator, or his successor, at least 120 days prior to grant termination. Inventories will separate into (a) grantee's purchased property, (b) Federal excess property, (c) "In-Kind" property and will also provide: (1) item description including serial numbers, (2) quantity, (3) acquisition cost per unit, and (4) total acquisition cost. No inventory is required for expendable property.

Grantees must also submit a separate motor vehicle inventory with the property inventory which will provide the following information: (1) make, model, year; (2) identification number; (3) tag number; (4) mileage; (5) acquisition cost, if applicable; (6) whether purchased, leased commercially or leased from GSA. Copies of the state registration form for each vehicle will be submitted with the vehicle inventory.

B. Definitions:

1. Expendable property.—consumable supplies and materials having a utilization of less than one year.

2. Non-expendable property.—Non-consumable supplies or materials, having a service life in excess of one year; is either complete within itself or is a major component of another item of property.

3. Federal excess property.—Non-expendable property acquired through GSA as excess. Title to the property is vested in the Government. Such property includes property transferred from one grant to another if the government has taken title to effect the transfer.

C. Disposition:

1. Expendable property.—Expendable property will be: (a) retained for use if the grantee's activity will continue to operate with funds from another source; (b) donated by the grantee to a local public or private non-profit organization benefiting low-income people; (c) scrapped if it cannot otherwise be used.

2. Non-expendable property purchased with project funds or received as in-kind contributions:

(a) The grantee will submit to the OEO Property Administrator, or his successor, a written recommendation for disposition of non-expendable property purchased with project funds no later than 120 days prior to grant termination. Those grantees proposing to continue to operate with funding from other sources and requesting continued use of the property must provide a written statement from those funding sources indicating the approximate level of funding to be provided and a brief description of the programs to be continued. The proposal should indicate the property, if any, which would be excess to the needs of the continuing program.

(b) The OEO Property Administrator, or his successor, is hereby authorized to approve disposition of property purchased with grant funds in any of the following ways:

Allow grantee to retain for use in a continuing Federal Program serving low-income persons in the community.

Instruct grantee to transfer the property to a public or private non-profit agency serving low-income people in the community.

The grantee may purchase the property from the Government at the fair market value. (Neither OEO grant funds nor non-Federal share contributions may be used for such purchases.)

Declare the property excess and turn it over to GSA, FMDS, for disposal.

D. Leased property.—Leases and lease/purchase contracts should be cancelled in accordance with the grantee's phase-out plan and the property returned to the vendor. Property should be purchased under lease/purchase contracts only if the remaining amount due is insignificant relative to the value of the property.

E. Assistance.—Contact the OEO Regional Property Administrator or his designee for assistance in property matters.

6. Real property:

A. Real property purchased with grant funds.—All real property obtained as a result of 221 funding must be reported to the OEO Property Administrator, or his successor, for disposition instructions.

B. Leased real property.—Grantees which do not plan to continue to lease property must give notice of termination to the Lessor in accordance with the terms of the lease agreement. In cases where the lease term extends beyond the phase-out date of the program, suitable settlement arrangements should be made.

C. Government-owned real property.—All grantee-utilized Government-owned Real Property will be reported by the grantee to the OEO Property Administrator, or his successor, for disposition instructions.

7. Records disposition:

All records must be retained by the grantee for three years from the date of termination of Section 221 funding, including financial records as defined in OEO Instruction 6801-1. The 5-year retention requirement of 6801-1 is reduced to three years. Grantees are given the option of indexing and retaining records, or indexing and forwarding records to the OEO Regional Office, or its successor, for turnover to the appropriate Federal Records Center. If the grantee elects to forward records to the Federal Records Center, contact OEO or its successor agency for additional instructions.

The grantee must also comply with applicable state and local statutes relative to records maintenance.

If the grantee elects to retain its records, it must notify OEO or to its successor, of the location of the stored records and authorize OEO, or its successor, in writing to enter the storehouse to review or copy necessary records.

PRESIDENT'S DAY AND THE PERPETUAL CALENDAR

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, on Monday, February 19, we observed Washington's Birthday, which followed the Lincoln's Birthday observance on February 12. In 1971, Washington's Birthday was on February 15, and in 1972, it was on February 21. But, lest there be surprise at this, we have Dr. Willard E. Edwards, of Honolulu, Hawaii, to remind us that Washington's birthday was changed during our first President's lifetime.

Notes Dr. Edwards:

Our present calendar was last changed when George Washington was 20 years old. His 20th birthday anniversary was on February 11, 1752, but his 21st was on February

22, 1753. The calendar was changed in September, 1752, by dropping 11 days, and George had to wait until February 22, 1753, before he was legally 21 years old.

In his family bible, his birth date reads February 11, 1731/32. The reason is that it was still the year 1731 in England, where the year began on March 25; but it was already 1732 in Scotland, where the year began on January 1. Scotland had changed to January 1 in 1600, but England didn't change until 1752. That was 170 years after Pope Gregory changed the year's beginning in 1582. He dropped 10 days from the calendar at that time also.

Dr. Edwards is author of "The Perpetual Calendar" as well as the concept of President's Day, which was designated in the State of Hawaii as February 19, starting in 1953. He reports that most States observed Washington's birthday—anniversary—this year on Monday, February 19, but Louisiana, South Dakota, West Virginia, and Wisconsin still observe it on February 22, while Utah and Wyoming joined Hawaii in observing President's Day on February 19. Ohio and South Dakota observed Washington-Lincoln Day on February 19.

In the perpetual calendar, as proposed by Dr. Edwards, each day of the year would always fall on the same day of the week. Each month has 30 days, except March, June, September, and December which each have 31. The first day of each year would be Monday, New Year Day, a day apart from any year, falling between December 31 and January 1. Every fourth year, Leap Year Day would be observed as a day apart from any year, falling between June 31 and July 1. In this way, the calendar would be perpetual.

Dr. Edwards, whose address is 1434 Punahou Street, Honolulu, Hawaii 96822, has also prepared an article on "New Year Days are Anniversaries" which describes in an interesting way how the year 1 B.C. should be called the Zero year, and that an error was made when our calendar was set by a Scythian monk in the sixth century. The article also includes a chart showing the years at the start of the Christian Era and comparing them with years of the present decade. Commenting on this article, Director L. B. Aldrich of the Smithsonian Institution's Astrophysical Observatory of Washington, D.C., commented:

Your device for correcting the mistake of having no zero year in the transition from B.C. to A.D. is essential in determining elapsed time between B.C. and A.D. dates.

I am inserting the article at the conclusion of my remarks.

To implement Dr. Edwards' proposal, I introduced H.R. 9069 in the 92d Congress. I am introducing a successor legislation today for consideration in the 93d Congress.

The article follows:

"NEW-YEAR DAYS ARE ANNIVERSARIES" OR
"THIS IS OUR 1974TH YEAR"
(By Willard E. Edwards, Litt.D., originator of
"The Perpetual Calendar")

Many of us think of New-Year Day as the birth of the newly-numbered year, and are thinking of this year as the 1973rd. But this is a misconception. Of course last New-Year Day was the start of a new year. But it was really the start of the 1974th year of the Christian Era, not that of the 1973rd.

January 1, 1973 was the anniversary or end of the first 1973 years, exactly as a person's 73rd birthday anniversary marks the completion of 73 years of life. A truthful woman says she is 73 all during her 74th year (the year before her 74th birthday anniversary). And so we are recording the events of this year as occurring in 1973. The Christian Era will become 1974 years old on New-Year Day 1974.

HOW A MISCONCEPTION STARTED

Let's see how the misconception of looking at New-Year Days as birthdays started. It began away back in the 6th century. Previous to that time, the year began with January 1. Then, about A.D. 525-532, a Scythian monk named Dionysius Exiguus introduced the system of counting years of a Christian Era from the Incarnation of Christ. He calculated his New-Year date as March 25, 753 A.U.C., the date of the Vernal Equinox at that time; and March 25 is still celebrated as "Annunciation Day" or "Lady Day."

A.U.C. is from Ab Urbe Condita, or Anno Urbis Condita, and means dating from the founding of the city of Rome. See the two dating systems on the accompanying chart.

Dionysius added the human gestation period to the date of Spring (March 20 in his time) and got December 25, 525 A.D. as the 525th anniversary of the Nativity. And December 25 has been celebrated as the date of Christmas ever since. But adding the gestation period to March 25, 753 A.U.C. put the Nativity at the end of December. Some chronologers want to start the Chris-Era from this date, and, like an Oriental custom, call Jesus a year old at birth.

Unfortunately, Dionysius made a mistake of 4 years in calculating the beginning year of the Christian Era. King Herod, who ordered the Biblical Massacre of the Innocents, died in 750 A.U.C. And since Jesus is reputed to have escaped this massacre, he was living before Herod died. His birth is therefore now placed at the end of 749 A.U.C. (the end of December, 4 B.C.). This became an anachronism when the calendar year was not changed after the error was recognized.

Dionysius decided to call March 25, 754 A.U.C. the start of the first anniversary year of the Christian Era. He called this year "A.D. I" (Roman numeral I). He called the previous year (753 A.U.C.) "Anno ab incarnatione Domini primo," for "the first year of our Lord from the Incarnation." This was shortened to "A.D. primo." Roman chronologers at that time were handicapped by the concept of zero not yet having been introduced into their mathematical notations. But 753 A.U.C. should now be called "A.D. zero."

If the Incarnation had occurred on January 1, 753 A.U.C., the year one of the Christian Era would in reality have begun on January 1, 754 A.U.C. However, the beginning of the Christian year was moved again, from March 25 back to January 1 in 1582, in all Catholic countries. It was so moved in England and in America in 1752, when George Washington was 20 years old.

Scotland had changed the year's beginning to January 1 in 1600, but England didn't change until 152 years later. That was 170 years after Pope Gregory had both changed the year's beginning and dropped 10 days from the calendar (in order to have Spring start on March 21). When Washington was born, it was still the year 1731 in England, where the year began on March 25. It was already 1732 in Scotland. That's why Washington's birth date was recorded as February 11, 1731/1732. See his family Bible at Mount Vernon, Virginia.

Washington's 20th birthday anniversary was on February 11, 1752, but his 21st was on February 22, 1753. The calendar was changed in September 1752 by dropping 11 days, and George had to wait until February 22, 1753 before he was legally 21 years old.

But moving the beginning of the year caused the mistaken conception of the Christian Era beginning with the Nativity instead of the Incarnation; and the year 753 A.U.C. (really "A.D. primo") became incorrectly shown as "the year one B.C."

CORRECTING THE MISCONCEPTION

English astronomers Maskelyne, Herschel and others attempted to correct the previous misconception. They accepted "Anno Domini primo" as "the zero year A.D." This is shown by referring to the accompanying chart. When we count the years backward, the correct number of any year is always one less than the number of the year which followed it in time. The year one, less one, is zero. Therefore, the old year "1 B.C." is correctly renumbered "A.D. zero." Similarly the old year 2 B.C. is correctly renumbered as 1 B.C., the old year 3 B.C. as 2 B.C., etc.

Thus B.C. years may be numerically added to A.D. years to find the correct elapsed time between them. Elapsed time from January 1, 3 B.C., the day following the reputed birth date of Jesus under the correct count, to our 1973 New-Year Day anniversary is 1976 years.

The correct assignment of "the zero year" between 1 B.C. and A.D. 1 is not simply a convenience; it is a mathematical necessity. We must also have a zero degree on thermometer scales to show that the rise in temperature from -3 to +73 is 76°.

ZERO IS A REAL NUMBER

To say that we had no actual A.D. year called "the zero year" does not mean anything. We had no A.D. years at all until A.D. reckoning was introduced by Dionysius in the 6th century. But since we go back in history to renumber our years, the numbering should be rational and mathematically correct, as Dionysius intended it to be.

Zero is a perfectly good number, even though it may seem somewhat confusing to those who are not mathematicians. Some of us simply think of it as meaning "nothing," or the absence of quantity. But zero has many common uses, the most common being "in place of any other number," as in 1903. Zero is a real number, 1 less than 1. It is correctly shown as the first Arabic numeral (0, 1, 2, 3, etc.). Zero is the point of departure in reckoning, and its position after 9 on telephone dials is numerically incorrect.

We use zero in the measurement of elevations, bearings, and temperatures; and as the first figure on our balances, meters and scales. The first or prime meridian through Greenwich is "the zero meridian." We speak of "the zero hour," and midnight is expressed as 0000 in the 24-hour system of reckoning time. We do not say it is 1 o'clock or 0100 until 60 minutes after midnight.

Also, the first day of the year could be called "the zero day," "January 0," or just "New-Year Day," a holiday apart from any week, as in "THE PERPETUAL CALENDAR." This "New-Year Day" holiday, followed by 52 even weeks, in 4 equal quarters, would allow "THE PERPETUAL CALENDAR" to become fixed for all time. This is proposed as a new international standard civil calendar, along with the Metric System and worldwide decimal currency.

We went into a zero-ending year at the start of the 20th century in going from 1899 to 1900, and January 1, 2000 will begin the 21st century. Let us subtract 1970 from each of the years shown on the last line of the accompanying chart. We then get the years for the start of the Christian Era, including A.D. zero. This alone proves their correct numbering.

THE DIFFERENCE BETWEEN ORDINAL AND CARDINAL NUMBERS

We should not confuse the counting of objects with the recording of time or measurements. Suppose we place a book on an empty shelf. It is the first book placed, as

well as the quantity *one* on the shelf. But in measurements, there is a difference between "first" (an ordinal number) and "one" (a cardinal number).

Ordinal numbers show the orders in a series (1st, 2nd, 3rd, etc.) whereas cardinal numbers express how many (1, 2, 3, or I, II, III, etc.). The *first* inch of an engineer's scale is the inch of *zero* measurements; 0.1, 0.2, 0.3, etc. The *second* inch is the inch of *ones*; 1.1, 1.2, 1.3, etc. We count our wedding anniversaries, length of time in business, age, and centuries likewise.

The years of the 20th century are those of the 19 hundreds (1900–1999); of the 2nd century, those of the one hundreds (100–199). And the years of the 1st century are those of the zero or no hundreds (0–99).

We should not confuse any part of "the

1st year A.D." (A.D. zero, or 753 A.U.C.) with "the 2nd year A.D." (A.D. one, or 754 A.U.C.). Our year "A.D. 1" (2nd year) could not have started until the 12th month of "A.D. 0" (1st year) had been completed. But, unfortunately, the phrase "Anno Domini primo" (for the 1st year A.D., an *ordinal* number) came to be taken for "A.D. I" (the 2nd year A.D., with the Roman *cardinal* numeral one). This has caused confusion ever since as to when the Christian Era began.

NEW-YEAR DAYS ARE ANNIVERSARIES

During its 73rd year, a business is spoken of as being 72 years old. At the end of its 73rd year it becomes 73 years old. It is then beginning its 74th year. This year of 1973 is our 1974th year. Throughout this year we will call it 1973. It becomes 1974 years old on January 1, 1974. If we count New-Year Days

the same as we count wedding, business, and birthday anniversary days, the past misconception will disappear. And of course we have only one real birthday. All the others that we call "birthdays" are simply "birthday anniversaries."

Accepting the year preceding the year A.D. 1 as "the year A.D. zero" is the accurate, consistent, rational, and uniform way of recording the beginning of the Christian Era. Instead of perpetuating an ancient misconception, let's correct it like intelligent and rational people. Let's remember New-Year Days for what they are, anniversaries of the approximate beginning of the Christian Era. On New-Year Day 1974 we shall have our next anniversary. It should be thought of and recorded as the 1974th. A chart showing correct time recording, as accepted by astronomers and modern chronologists, follows:

CORRECT TIME RECORDING, AS ACCEPTED BY ASTRONOMERS AND MODERN CHRONOLOGERS

(B.C.)					(A.D.)				
-4	-3	-2	-1	0	1	2	3	4	5
749 A.U.C. -4 4th yr. B.C. yr. 4 B.C.	750 A.U.C. -3 3d yr. B.C. yr. 3 B.C.	751 A.U.C. -2 2d yr. B.C. yr. 2 B.C.	752 A.U.C. -1 1st yr. B.C. yr. 1 B.C.	753 A.U.C. 0 1st yr. A.D. yr. A.D. 0	754 A.U.C. +1 2d yr. A.D. yr. A.D. 1	755 A.U.C. +2 3d yr. A.D. yr. A.D. 2	756 A.U.C. +3 4th yr. A.D. yr. A.D. 3	757 A.U.C. +4 5th yr. A.D. yr. A.D. 4	

START OF CHRISTIAN (OR COMMON) ERA (INCARNATION)

YEARS OF THE 20TH CENTURY ARE CONTINUOUS FROM JAN. 1, 1900, THROUGH DEC. 31, 1999

(197th decade)					(198th decade)				
Jan. 1, 1966	Jan. 1, 1967	Jan. 1, 1968	Jan. 1, 1969	Jan. 1, 1970 ^a	Jan. 1, 1971	Jan. 1, 1972	Jan. 1, 1973	Jan. 1, 1974	Jan. 1, 1975
1967th yr. A.D. 1966	1968th yr. A.D. 1967	1969th yr. A.D. 1968	1970th yr. A.D. 1969	1971st yr. A.D. 1970	1972d yr. A.D. 1971	1973d yr. A.D. 1972	1974th yr. A.D. 1973	1975th yr. A.D. 1974	

*Supposed birth of Christ.
†Death of King Herod.

*Birth of Christ first calculated by Dionysius.
°Beginning of the 198th decade of the Christian era.

CONSUMER PROTECTION AGENCY

(Mr. DOMINICK V. DANIELS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DOMINICK V. DANIELS. Mr. Speaker, the need today for consumer protection is very great and every effort must be made to equalize the power of the consumer with that of advertisers, market analysts, and product manufacturers. One means would be the establishment of the Consumer Protection Agency—CPA—a concept already provided for in H.R. 2412, which I cosponsored with the gentleman from New York (Mr. ROSENTHAL) in January.

The CPA will receive, evaluate, develop, act on, and transmit, complaints to the appropriate Federal agencies or non-Federal sources concerning actions or practices which may be detrimental to the consumers' interest.

The CPA will also conduct and support studies and investigations concerning the interest of consumers. It will provide public information, statistics, and any other data concerning the functions and duties of the Agency, the problems encountered by consumers generally as well as the practices of Federal, State, and local governments, which affects consumers.

The Administrator is given the power,

to the extent required by health or safety of consumers or to discover frauds, to obtain information from industry in the consumers' interests.

The CPA will support and encourage testing of consumer products and research for improving consumer services, although the Agency will remain neutral and not declare one product better than another. To assure fairness to all parties, the Agency will not release any information until notice and opportunity for comment are given to all interested parties.

One cannot overstate the importance and the need for an agency such as the CPA. The public is highly vulnerable to frauds, shoddy products, and poor service. If nothing is done, consumers will continue to fall into the traps set by lawless businessmen, to their own detriment as well as the detriment of honest fair-dealing businessmen.

In addition to this legislation providing for the Consumer Protection Agency, I have introduced today the following legislation which would further protect the interests of consumers.

The Truth in Food Labeling Act would require food makers to show on their labels all ingredients by their percentages. The need of this type of labeling is great. Over one-third of American consumers' food needs are affected by

nutritional requirements as well as allergies and religious considerations. Quite simply, the American consumer has the right to know what he is eating.

The Nutritional Labeling Act would require food producers to label their products with the following information: first, nutritional statements including fat content, vitamin and protein values, fats and fatty acids, calories, and other nutritional data; second, the net weight and drained weight of canned or frozen products packed in a liquid medium; and third, the major ingredients by percentage weights in any combination food item.

Food labels, today, provide little or no information on the nutritional value of the products although this is vital to the consumers' health. Many of the foods Americans eat do not have the nutritional values expected of them.

The Open Dating Perishable Food Act would require that all packaged perishable foods be prominently labeled to show clearly the date beyond which the product should not be sold and the optimum storing conditions at home. Safe over-age products may be sold as long as they are separated and clearly identified as being beyond the expiration date.

There is evidence that a significant number of perishable products are being offered for sale to the public after the

time they have begun to spoil. Open dating will give the consumer help in the selection of packaged goods and help in storing these products at home.

The Consumer Food Grading Act sets up a uniform system of quality grade designations for consumer food products based upon quality, condition, and nutritional values.

Currently there is no consistent and uniform system for determining and labeling the grades of food products. Hence, grade A on different products means different things and the consumer has no way of knowing those differences.

The Honest Label Act would require labels on foods, drugs, and cosmetics, to contain the name and place of business of the true manufacturer, packer, and distributor.

Such information would not only aid the consumer in the knowledge of who actually made the product, but, it would aid the Government and industry in the event of a recall by permitting quick and easy identification.

The Unit Pricing Act requires the disclosure by retailers of the unit price of packaged consumer commodities.

It is extremely difficult for consumers to compare the prices of two or more packages of the identical product to determine the real cost and best buy. Recent studies have shown that unit pricing provides valuable, objective price data which can save consumers as much as 8 percent on their total food bill.

The meat price freeze would stabilize the price of meats for 45 days at November 1972 prices and require the President to submit to Congress a plan for insuring an adequate meat supply, reasonable prices, and a fair return on invested capital to farmers, food producers, and food retailers.

The lack of control on meat prices while other products are controlled has sent costs soaring. Inflation cannot be controlled if such a major item in the American budget is allowed to go unchecked.

The meat quota repeal calls for the repeal of the Meat Quota Act of 1964 to increase the supply of lower cost meats.

This is an essential first step in reducing high meat prices. A permanent repeal would help foreign suppliers plan better to meet American market needs.

The Performance-Life Disclosure Act requires manufacturers of durable consumer products, including appliances and electric items, to disclose on a label, the expected performance life of the product under normal operating conditions. It also requires the date of loss of performance on items such as film or batteries.

Knowing the life expectancy performance of a product, consumers will be better equipped to decide on the best buy for their money.

The Appliance Dating Act requires that all manufactured goods carry a date of manufacture.

This would assure the consumer that he is buying the newer model of the most current design which has been advertised.

The Sales-Promotion-Game Act prohibits manufacturers, producers, or distributors, from requiring or encouraging any retail seller to participate in promotional games. It also prohibits the re-

tailer from engaging in his own promotional games.

Promotional games entice the consumer into basing his purchase on the item with the best prize rather than the item with the most quality. The cost of such games is unknowingly passed on to the consumer whether he enters the contest or not.

The Intergovernmental Consumer Assistance Act provides for Federal grants and technical assistance in the establishment and strengthening of State and local consumer protection offices.

SEX-LABELED CLASSIFIED JOB ADVERTISING

(Mrs. GRIFFITHS asked and was given permission to extend her remarks at this point in the Record and to include extraneous matter.)

Mrs. GRIFFITHS. Mr. Speaker, at this time, I would like to insert into the Record a brief I submitted along with Phineas Indritz, Elizabeth Boyer, Marguerite Rawalt, the Honorable MARGARET M. HECKLER and the Honorable DONALD M. FRASER in the case of Pittsburgh Press Co. against Pittsburgh Commission on Human Relations, et al., No. 72-419. The case dealing with the question of sex-segregated job ads and the "freedom of speech and press" argument of the Pittsburgh Press is expected to be heard today before the U.S. Supreme Court. The brief follows:

[No. 72-419, October Term, 1972]

PITTSBURGH PRESS COMPANY V. THE PITTSBURGH COMMISSION ON HUMAN RELATIONS, ET AL.

Joint Brief of Amici Curiae: American Veterans Committee, Inc.; Women's Equity Action League Legal Defense and Educational Fund, Inc.; National Association of Women Lawyers; League of Women Voters of the United States.

INTEREST OF THE AMICI CURIAE

The American Veterans Committee, Inc. (AVC) is a nationwide organization of veterans who served honorably in the Armed Forces of the United States during World War I, World War II, Korean Conflict and Vietnam Conflict, and who have associated themselves, regardless of race, color, religion, sex, or national origin, to promote the democratic principles which they fought to preserve. AVC was founded in 1943 and its membership includes both men and women who participate in AVC's affairs in full equality.

The Women's Equity Action League Educational and Legal Defense Fund, Inc. is the legal-aid arm of the Women's Equity Action League (WEAL), a nationwide organization of women and men, chiefly business and professional, organized "to promote greater economic progress on the part of American women and to press for enforcement of existing anti-discriminatory laws in behalf of women; to seek reappraisal of federal, state and local laws and practices limiting women's employment opportunities, and to combat job discriminations against women by all lawful means."

The National Association of Women Lawyers is a nationwide bar association of women judges and lawyers, organized in 1899 to "promote the welfare and interest of women lawyers; to maintain the honor and dignity of the profession of the law; to aid in enactment of legislation for the common good; and in the administration of such laws, to secure justice for all." NAWL has worked for many years to advance the legal and economic status of American women by expanding their opportunities to study and

practice law, including aiding all women to establish and maintain their constitutional and statutory rights.

The League of Women Voters of the United States is a nonpartisan voluntary organization, open to all women citizens 18 years or older, which promotes informed and active participation by all citizens in government and politics. The League has 160,000 members in more than 1360 local leagues throughout the United States, Puerto Rico and the Virgin Islands.

The amici file this Joint Brief because they believe that sex segregation, like race segregation, of job ads produces many harms. E.g., it reinforces ancient prejudices and stereotypes; obstructs equality of work opportunity; impedes numerous job seekers, including members of the amici organizations, in their search for employment; frustrates the objectives of fair employment laws; and undermines the national goals of maximum employment and maximum production.

THE FACTS

In October 1969, the City of Pittsburgh's Human Relations Commission began investigation of charges that the Pittsburgh Press Company was violating the City's Human Relations Ordinance¹ by printing its classified job ads with sex-discriminatory labeling. The company publishes the Pittsburgh Press, a newspaper which has a circulation of about 350,000 daily and 750,000 on Sunday in the metropolitan area of Pittsburgh, Penn., and is the Nation's 12th largest newspaper in classified advertisements. The company also processes job ads as agent for the Pittsburgh Post-Gazette, which has a circulation of about 231,000 daily.

Prior to October 1969, the company printed many of its job ads with sex designations within the ad. Although the job ads were classified alphabetically by occupation, they were segregated in columns captioned "Male Help Wanted," "Female Help Wanted," and "Male-Female Help Wanted." After conferences between the company and the Commission in October 1969, the company abandoned sex designations within the body of the job ad, and changed the column headings to "Jobs—Male Interest," "Jobs—Female Interest," and "Male-Female Help." It also printed a statement (at the beginning of the "male" ads and at the beginning of the "female" ads) asserting that the job ads are thus segregated "for the convenience of our readers."

In printing its job ads, the company made no inquiry as to whether the employer was exempt from the Ordinance, or whether the Commission had exempted the occupation or position by a certificate of exemption under section 7(d) of the Ordinance, as one which "reasonably requires the employment of a person or persons of a particular . . . sex."

After due hearing, the Commission ruled that the company's current method of printing its classified job ads violates the Ordinance. The Commission's reasoning was as follows:

1. Section 8(e) of the Ordinance makes it an unlawful employment practice for any employer, employment agency, or labor organization to "publish or circulate, or to cause to be published or circulated, any notice or advertisement relating to employment or membership which indicates any discrimination because of race, color, religion, ancestry, national origin, place of birth, or sex"; and

2. Section 8(j) of the Ordinance makes it an unlawful employment practice for "any person, whether or not an employer . . . to aid, incite, compel, coerce or participate in the doing of any act declared to be an unlawful employment practice, or to obstruct or

Footnotes at end of article.

prevent any person from . . . complying with . . . this Ordinance . . ."

3. The company's "classification system of employment advertisements with captions containing designations as to sex" aided or compelled the advertiser to cause publication of job ads indicating sex differences in jobs, without a certificate of exemption for the advertiser or position, and thus violated section 8(j) of the Ordinance.

The Commission issued a cease-and-desist order that the Company's classification system of employment ads shall contain "no reference to sex". The company appealed to the Pennsylvania Court of Common Pleas of Allegheny County, which affirmed the Commission's order. On further appeal, the Commonwealth Court of Pennsylvania modified the Commission's order to require the company to exclude "all reference to sex in employment advertising column headings except as may be exempt under said Ordinance, or as may be certified as exempt by said Commission." 4 Pa. Cmwlth. 448, 287 A. 2d 161. (1972). The Pennsylvania Supreme Court, without opinion, denied the company's petition for allowance of appeal. This Court granted the company's petition for certiorari on December 4, 1972.

SUMMARY OF ARGUMENT

Sex segregation, like race segregation of classified job ads reinforces prejudice and frustrates the objectives of a fair employment law. Many newspapers recognize this and have switched to classifying their job ads solely by occupation. Sex segregation of job ads does not serve the convenience of the job seeker. On the contrary, it discourages job seekers, is harmful to employers' and employment agencies' efforts to comply with the law, fosters substantial sex discrimination in employment, and impairs the earning ability of many women (and also of men). The City Council's prohibition against discriminatory job advertising, as applied to the Petitioner newspaper company, simply regulates the commercial activity of selling advertising space. The prohibition is rationally related to the valid objective of stopping unlawful discriminatory practices, imposes little or no burden on the newspaper, and does not abridge its freedom of speech or press. It is therefore a valid legislative enactment. The Petitioner's "due process" argument misapprehends the basis of the lower court's order, and the Petitioner was not denied due process.

I. THE STATUTORY PROHIBITION AGAINST DISCRIMINATORY JOB ADS IS RATIONALLY RELATED TO THE LEGISLATIVE OBJECTIVE OF STOPPING UNLAWFUL DISCRIMINATORY EMPLOYMENT PRACTICES AND IS THEREFORE A VALID LEGISLATIVE ENACTMENT

The basic purpose of the Pittsburgh Ordinance is to eliminate discrimination based on race, religion, sex, etc., in employment, housing, and public accommodations. It is now indisputable that, under our Constitution, a government may "choose to put its authority behind one of the cherished aims of American feeling by forbidding indulgence in racial or religious prejudice to another's hurt." *Railway Mail Ass'n. v. Corsi*, 326 U.S. 88, 98 (1945) (Frankfurter, J.), and that unless restricted by State law such legislation is within the police power of a municipality. *District of Columbia v. Thompson Co.*, 346 U.S. 100, 109 (1953); *Bob-Lo Excursion Co. v. Michigan*, 333 U.S. 28, 34 (1948). This Constitutional policy against invidious discrimination is not restricted simply to discrimination based on race or religion—it applies also to discrimination based on sex. *Reed v. Reed*, 404 U.S. 71 (1971); *Phillips v. Martin-Marietta Corp.*, 400 U.S. 542 (1971); *Weeks v. Southern Bell Tel. & Tel. Co.* (CA 5) 408 F.2d 228 (1969) and 467 F.2d 95 (1972).

Furthermore, in legislating against such discriminatory activities, the legislature may prohibit or regulate advertising practices

which the legislature reasonably and rationally believes will promote or exacerbate the problems against which the legislation is validly directed *Railway Express Agency v. New York*, 336 U.S. 106, 108-109 (1949); *Williamson v. Lee Optical Co.*, 348 U.S. 483, 491 (1955); *Head v. New Mexico Board of Examiners*, 374 U.S. 424 (1963).

Accordingly, Congress, many States, the District of Columbia, Puerto Rico, and various municipalities, including Pittsburgh, have enacted laws and ordinances which prohibit discrimination in employment based on "race, color, religion, sex or national origin", and most of these, including the Federal Civil Rights Act of 1964 (Section 704(b) of Title VII; 42 U.S.C. 2000e-3(b)) prohibit discriminatory job advertising.³

The Pittsburgh Ordinance, like the other laws and ordinances, draws no distinction between the word "sex" and the words "race, color, religion or national origin", unless it is shown in "certain instances" that the factor of sex⁴ is a bona fide occupational qualification (BFOQ) "reasonably necessary to the normal operation of that particular business or enterprise". (42 U.S.C. 2000e-2(e); sec. 7(d) of the Pittsburgh Ordinance). However, the BFOQ exception is so narrowly limited that hardly any job may lawfully be restricted to one sex on that basis. Thus, the Guidelines of the Equal Employment Opportunity Commission (EEOC) specifically declare that the BFOQ exception does not warrant sex discrimination in employment "based on assumptions of the comparative employment characteristics of women in general" (e.g. turnover rates), or "on stereotyped characterizations of the sexes" (e.g., assembling skills, aggressiveness), or "because of preferences of coworkers, the employer, clients or customers."⁵ Indeed, the EEOC recognizes sex as a BFOQ only where it is essential for authenticity (e.g., actor, actress),⁶ or required under current community standards of morality or propriety (e.g., ladies' or men's room attendant, fitter of feminine intimate apparel),⁷ or for performance of the job (e.g., wet-nurse).⁸

The EEOC initially allowed sex headings on classified job ad columns (31 F.R. 6414, April 28, 1966). But after conducting extensive hearings in May 1967 and experiencing the discriminatory effects of such sex headings, the EEOC amended its Guidelines on sex discrimination in August 1968 (33 F.R. 11439) to prohibit the "placement of an advertisement in columns classified by publishers on the basis of sex, such as columns headed 'Male' or 'Female' . . ." (29 C.F.R. 1604.5, as reaffirmed on April 5, 1972, 37 F.R. 6835).⁹ Shortly thereafter, a Federal court ruled that this EEOC Guideline "represents a reasonable interpretation of section 704(b) of Title VII." *American Newspaper Publishers Association v. Alexander*, 294 F. Supp. 1100, 1103 (D. D.C. 1968). The Labor Department's Office of Federal Contract Compliance, which administers Executive Orders 11246 (30 F.R. 12319) and 11375 (32 F.R. 14303) prohibiting discrimination in employment by those holding Federal contracts, issued Sex Discrimination Guidelines in June 1970 containing an identical prohibition. 41 C.F.R. 60-20.2(b); 35 F.R. 8888.

The Civil Rights Act of 1964 prohibits discriminatory job advertising solely by employers, employment agencies and labor organizations.¹⁰

However, the City of Pittsburgh's ordinance, like the laws and ordinances of many States and other municipalities, went further than the Federal statute, by prohibiting any person from aiding, coercing or participating in publication of the discriminatory job ad. As shown in Part I, A and B, below, this is a reasonable and rational prohibition directly related to the proper statutory objective of eliminating discrimination in employment

and is therefore a valid legislative enactment. (Parts II and III deal separately with the Petitioner's First Amendment and Due Process arguments.)

A. Employment advertising under sex-labeled headings reinforces sex prejudice and frustrates the objectives of a fair employment law

Help-wanted classified advertisements in newspapers constitute a major vehicle for bringing together the job and the job-seeker. They are the single most comprehensive information source on current job openings and the most productive of advertising media for filling most types of positions.¹¹ It is now generally accepted that racial or religious labeling of jobs ads (e.g., "whites only", "blacks need not apply", "no Jews", "colored jobs", "Italian-Americans not acceptable", etc.) impairs the equal employment opportunities of those excluded. Indeed, the Petitioner's Brief (p. 26) states: "We do not contend that employment opportunities are generally classifiable along racial or nationality lines." But the Petitioner then goes on to say: "On the other hand, the Press believes that the employment patterns in this country generally reflect job interest and qualifications along sex lines." (Emphasis by Petitioner.)

We believe that the law was specifically intended to counteract such stereotypes and resulting discrimination in employment, based on sex as well as on race or national origin.

Sex designations, whether in the ad, or as captions on the columns of classified job ads segregated by sex, channel applicants into the jobs labeled for their respective sex. The long standing customs and stereotypes about "men's work" and "women's work", and the traditional prejudices limiting women to the less rewarded and less rewarding kinds of work, reinforce the ads' message of sex selection. The heading "male" or "men wanted" clearly conveys only one meaning—that the advertiser of the jobs under that heading wants men only. Similarly, the heading "female" or "women wanted" clearly says that the jobs in the ads under that heading are for women only.

Nor does the Petitioner's "Notice to Job Seekers" (fnt. 2, *supra*), proclaiming that the job seeker "should assume that the advertiser will consider applicants of either sex", lessen the message of sex discrimination. In *Hailes v. United Air Lines*, 464 F.2d 1006, 1009 (CA 5, 1972), the Court ruled:

"Despite the fact that the ad states that United is an Equal Opportunity Employer, the tendentious selection of the feminine term, 'stewardess', and the placing of the ad in the 'Help Wanted—Female' column without a corresponding ad in the 'Help Wanted—Male' column so plainly indicates a preference for females it cannot be neutralized by the self-conferred title of 'Equal Opportunity Employer'" (Emphasis supplied).

It is plain that placing an employment ad under a sex-segregative heading negates any assurance to the job seeker that the advertiser will consider him or her for employment without regard to his or her sex.

Furthermore, several studies show that the job seeker is substantially deterred from reading the job ads in columns whose headings refer to the other sex, and that the better jobs (in pay, fringe benefits, opportunity for advancement, etc.) are generally listed in the "male" columns.¹² Indeed, the Court of Common Pleas found, on the basis of evidence presented to the Pittsburgh Commission on Human Relations in this case, "that the more attractive employment opportunities consistently appear in the male classification" and "that the classification system used by the [Pittsburgh] Press discourage [sic] women from application for jobs classified for male interest." (App. Pet. for Writ of Certiorari, p. 33a).

Thus, the presence of sex preferences in

Footnotes at end of article.

a newspaper's classified job ads reinforces traditional prejudices and stereotypes about the kinds of jobs that are suitable for men and those suitable for women, and makes it harder for the community to accept and comply with the nondiscrimination policy of the law. As this Court pointed out in *Anderson v. Martin*, 375 U.S. 399, 402 (1964), the label "furnishes a vehicle" both for arousing prejudice and for stimulating discriminatory action.

The Economic Report of the President (H. Doc. 93-28), transmitted to Congress on January 31, 1973 (CONGRESSIONAL RECORD, page 2618), noted that the goals of "maximum employment" and "maximum production" of the Employment Act of 1946 (60 Stat. 23, 15 U.S.C. 1021) apply "equally to men and women". Chap. 4, p. 89. However, it stated:

"Although the goals apply equally to men and women, some of the obstacles to their achievement apply especially to women. Women have gained much more access to market employment than they used to have, but they have not gained full equality within the market in the choice of jobs, opportunities for advancement, and other matters related to employment and compensation. To some extent the cause of this discrepancy is direct discrimination. But it is also the result of more subtle and complex factors originating in cultural patterns that have grown up in most societies through the centuries. In either case, because the possibilities open to women are restricted, they are not always free to contribute a full measure of earnings to their families, to develop their talents fully, or to help achieve the national goal of 'maximum production.' [p. 90].

"Women have generally experienced more unemployment than men and this differential has been more pronounced in recent years . . . [p. 96]

" . . . The unemployment of women who seek work is costly, to themselves, their families, and the Nation. Our goal should be to reduce this unemployment wherever that can be done by means which are not themselves more costly." [p. 99].

The discrimination inherent in sex-segregated job ads has been a major influence in maintaining the sex-based discriminations which still pervade our country, despite the promise of the Equal Pay Act of 1963 (77 Stat. 56, 9 U.S.C. 206(d)), prohibiting sex discrimination in wage payments, and Title VII of the Civil Rights Act of 1964 (78 Stat. 241, 42 U.S.C. 2000e), prohibiting discrimination in employment on the basis of race, color, religion, sex or national origin. About one-fourth of all employment discrimination complaints received by the EEOC are sex-based.¹³ These discriminations are largely responsible for the earnings gap between the 36,132,000 male, and the 15,476,000 female, full-time, year-round workers, as shown by the following earnings data reported for such workers during 1970 by the Labor Department, Employment Standards Administration, Women's Bureau:¹⁴

TABLE I.—MEDIAN EARNINGS, 1970

	Men	Women	Women's earnings as percent of men's
All workers.....	\$8,966	\$5,323	59.4
Professional and technical.....	11,806	7,878	66.7
Nonfarm managers, officials, proprietors.....	12,117	6,834	56.4
Clerical.....	8,617	5,551	64.4
Sales.....	9,790	4,188	42.8
Service (excluding household).....	6,955	3,953	56.8

This gap is also shown in the distribution of such workers in 1970 by earning levels, as follows:

Footnotes at end of article.

TABLE II

(In percent)

	Men	Women
Earning less than \$7,000.....	30.1	73.9
Earning \$15,000 or over.....	13.5	1.1

This gap is not due to differences in education or qualification, but exists at every level of educational background as follows:

TABLE III.—MEDIAN EARNINGS, 1972

Years schooling completed	Men	Women	Women's median income as percent of men's
Elementary school.....	\$7,535	\$4,181	55.5
High school:			
1 to 3 years.....	8,514	4,655	54.7
4 years.....	9,567	5,580	58.3
College:			
1 to 3 years.....	11,183	6,604	59.1
4 years.....	13,264	8,156	61.5
5 years or more.....	14,747	9,581	65.0

This gap, says the Labor Department, is not necessarily due to women "receiving unequal pay for equal work," but rather because "women are more likely than men to be employed in low-skilled, low-paying jobs." (*Ibid.*, p. 4). The immensity of this sex-based discrimination is dramatized by the above figures which show that in 1970 males who dropped out of high school after their first, second or third year had higher median annual earnings (\$8,514) than women with four full years of college education (\$8,156), and males with only an elementary school education had higher median annual earnings (\$7,535) than females with 1-3 years of college education (\$6,604).

By channeling women into the lower paying jobs and reinforcing sex prejudice in employment, the sex-segregated job ads frustrate the basic objective of the fair employment laws.

The situation is similar to that which existed, not long ago, in interstate transportation. Although this Court had repeatedly ruled that racial segregation on common carriers in interstate transportation was illegal,¹⁵ the continued widespread use of "white only" and "colored only" signs in railroad and bus stations made this Court's decisions "only a promise to the ear to be broken to the hope, a teasing illusion like a munificent bequest in a pauper's will." *Edwards v. California*, 314 U.S. 160, 186 (1941). Effective desegregation in interstate transportation facilities began only when the Interstate Commerce Commission issued its regulations in September 1961 (49 CFR 180a.1-10) requiring motor common carriers to display non-segregation signs and to refrain from using terminals having signs specifying race segregation practices. *Georgia v. United States*, 201 F. Supp. 813 (D.C. N.D. Ga. 1961), *affd.* 371 U.S. 9 (1962).

The legislature could reasonably believe that discriminatory job ads promote discrimination in employment, and its determination to prohibit the publication of such ads is a reasonable and rational means for effectuating the proper legislative objective of reducing job discrimination.

B. There is no merit in the petitioner's suggestion that sex-segregated job ads promote the convenience of the job seeker

The company attempts to justify its sex-segregated job ads policy by contending (p. 10, Petitioner's brief on Petition for Writ of Certiorari) that its sex-segregated column headings "are solely a reflection of what it believes to be in furtherance of the most convenient classification for its readers, what is preferred by its readers, and is [sic] a classifi-

cation which has a rational basis in that it merely reflects the present dominant employment interest patterns of the sexes."

It was only a short time ago that many newspapers in this country arranged their classified ads on jobs and housing under race labels, and offered precisely the same argument (substitute "race" for "sex") to justify their race-segregated classified ads. Such argument was without merit then, and it should be summarily rejected in this case.

There is much similarity between race discrimination and sex discrimination in employment. The attitudes underlying both types of discrimination have generally reflected the ancient canard about the "inferiority" of women and Negroes (or Oriental, or other proscribed races).¹⁶ Both women and racial minorities are "easily identifiable groups which have at times required the aid of the courts in securing equal treatment under the laws." *Hernandez v. Texas*, 347 U.S. 475, 478 (1954). Both are grossly underrepresented in Federal, State, and local formal decision-making processes, leaving both easy targets of public and private discrimination. The history of both women and racial minorities has been marked by unduly slow progress toward legal, economic, and political equality, often in the face of considerable resistance from the dominant group. The result has been that women and racial minorities have often been consigned to the bottom of the economic ladder, in the lowest paying, least satisfying, jobs.

The similarity between race discrimination and sex discrimination was pithily stated by the Supreme Court of California in *Sailer Inn, Inc. v. Kirby*, 5 Cal. 3d 1, 18-20, 485 P.2d 529, 540-41 (1971):

"Sex, like race and lineage, is an immutable trait, a status into which the class members are locked by the accident of birth. What differentiates sex from non-suspect statuses, such as intelligence or physical disability, and aligns it with the recognized suspect classifications is that the characteristic frequently bears no relation to ability to perform or contribute to society. . . . The result is that the whole class is relegated to an inferior legal status without regard to the capabilities or characteristics of its individual members. . . . Where the relation between characteristic and evil to be prevented is so tenuous, courts must look closely at classifications based on that characteristic lest outdated social stereotypes result in invidious laws or practices.

"Another characteristic which underlies all suspect classifications is the stigma of inferiority and second class citizenship associated with them. . . . Women, like Negroes, aliens, and the poor have historically labored under severe legal and social disabilities. . . . They are excluded from or discriminated against in employment and educational opportunities. . . .

"Laws which disable women from full participation in the political, business and economic arenas are often characterized as 'protective' and beneficial. Those same laws applied to racial or ethnic minorities would readily be recognized as invidious and impermissible. The pedestal upon which women have been placed has all too often, upon closer inspection, been revealed as a cage. We conclude that the sexual classifications are properly treated as suspect, particularly when those classifications are made with respect to a fundamental interest such as employment."

The President's Task Force on Women's Rights and Responsibilities, citing Census Bureau data, stated in its Report of April 1970, "A Matter of Simple Justice," p. 18:

"Sex bias takes a greater economic toll than racial bias. The median earnings of white men employed year-round full-time is \$7,396, of Negro men \$4,777, of white women \$4,279, of Negro women \$3,194. Women with some college education both white and Negro, earn

less than Negro men with 8 years of education.

"Women head 1,723,000 impoverished families, Negro males head 820,000. One-quarter of all families headed by white women are in poverty. More than half of all headed by Negro women are in poverty. Less than a quarter of those headed by Negro males are in poverty. Seven percent of those headed by white males are in poverty." [Footnotes omitted].

Sex-segregated job ads, like race-segregated job ads, do not promote the convenience of the job seeker, except in a community dedicated to unequal job opportunities. This has been amply demonstrated by experience with regard to racial discrimination in employment. It is equally true with regard to sex discrimination.

First, Grouping job ads by sex promotes only the continuance of the tradition that the jobs listed as "Male interest" are not intended for women, and vice versa. It does not promote the convenience of the man or woman who is seeking a job (e.g., as bookkeeper, plumber, cook, welder, printer, secretary, accountant, or other jobs that can be performed by men and women alike and for which sex is not a bona fide occupational qualification). The job seeker's interests would be promoted far more by grouping the ads solely by job category—so that he or she can pursue all opportunities for the kind of job he or she wants—rather than by a sex label which automatically discourages persons of the other sex from reading the job ads under such sex label. Indeed, if the job seeker, following the Petitioner's suggestion to "assume that the advertiser will consider applicants of either sex" ("Notice to job seekers," *fnnt. 2, supra*), consults both the "Male" and "Female" columns, what then is the point of the sex-segregated job columns?

The grouping of ads alphabetically by occupation without sex-segregated headings is better for the job seeker even in the infrequent case where (a) an employer or employment agency is exempt from the Ordinance, or (b) the position is exempted because it "reasonably requires the employment of a person or persons of a particular . . . sex" (Ordinance, sec. 7(d)). In such cases, the exempted ad, printed with others arranged alphabetically by job title, need simply include the sex designation in the body of the ad. The job seeker could check all ads for the occupation he or she seeks (for bookkeeper, plumber, cook, nurse, etc.) in one place, including the exempted jobs, rather than have to check for such ads in 2 or 3 separate columns.

Furthermore, many (but not all) employers and employment agencies now place duplicate job ads in both the male and female columns in order to avoid a judgment that they discriminate on the basis of sex. *Cf. Hailes v. United Air Lines, supra*. The job seeker who wants to check on all jobs for which he or she may be interested in applying must therefore look through longer series of ads in both columns. The Petitioner's assertion that the sex labeled columns serve the "convenience" of the job seeker is therefore quite hollow. Only when all advertisers duplicate their job ads would sex-segregated columns reduce the job seeker's reading burden.

It is, of course, apparent that such duplication in 2 or 3 columns imposes extra expense on those employers and employment agencies that desire to reach both male and female job seekers without discrimination,¹⁷ and that they would be better served if all job ads were arranged alphabetically by job category without sex segregation.

Second, The Court of Common Pleas below found that the evidence presented to the Pittsburgh Human Relations Commission "clearly established that it is not the prefer-

ence of the reader, but the preference of the prospective employer which dictate [sic] ad placement under one caption or another" and "that the system which the Press seeks to sustain does aid in discrimination in employment based upon sex, and not based upon difference in treatment sanctioned by the law." App., Pet. for Writ of Certiorari, pp. 33a, 34a. The Commonwealth Court below found (*Ibid.*, p. 58a): "The record clearly demonstrates that this sex segregated system of want ad column classification is geared primarily to the interests and desires of employers."

In providing to employers and employment agencies the means of violating the law's prohibition against publishing sex discriminatory job ads, the Petitioner supports a widespread system of violations by such job advertisers. The multiplicity of such violations imposes on the meagerly staffed City, State and Federal commissions and administratively impossible burden of law enforcement. The only effect remedy available to the law is to prevent the central figure—the newspaper—from aiding, inciting (and indeed often coercing) the employers and employment agencies to publish the discriminatory job advertisements which undermine the law's basic purpose of combatting discrimination in employment.

Third, The Petitioner's contention assumes that the newspaper's ad-takers or management know (a) what jobs are preferred by its readers, and (b) what are the "dominant employment interest patterns of the sexes". We submit that they are not so prescient. According to Census Bureau publications,^{18, 19} there were, in 1970, 49,549,239 males, and 30,501,807 females, in the civilian labor force, 16 years old and over, of whom 47,623,754 males, and 28,929,845 females, were employed. Their jobs refute much of the mythology about the "employment interest patterns of the sexes." In large numbers, women now work in traditional "men's jobs," and men now work in traditional "women's jobs." Some examples are:

TABLE IV.—Female workers
(Number of female workers)

Engineers	19,577
Lawyers	12,311
Physicians, dentists, optometrists, veterinarians, etc.	45,664
Clergymen*	6,237
Urban and regional planners	1,099
Engineering and science technicians	87,837
Draftsmen*	22,257
air traffic controllers	1,370
Airplane pilots**	710
Flight engineers	164
Mail carriers, post office	19,566
Insurance adjusters and investigators	25,570
Blacksmiths	249
Boilermakers	371
Bulldozer operators	1,135
Carpenters	10,078
Cranemen*, derrickmen*, and hoistmen*	1,939
Electricians	8,616
Electric power linemen*, and cablemen*	1,444
Excavating, grading and road machine operators, except bulldozers	2,495
Forgemen* and hammermen*	724
Locomotive engineers	392
Locomotive firemen*	151
Machinists	11,754
Automobile mechanics	11,045
Automobile body repairmen*	1,332
Heavy equipment mechanics, including diesel	10,713
Data processing machine repairmen*	864
Railroad and car shop mechanics and repairmen*	510
Metal molders	5,749

Construction and maintenance painters	13,303
Plumbers and pipefitters	4,110
Pressmen* and plate printers	13,346
Sheetmetal workers and tinsmiths	2,898
Shipfitters	123
Shoe repairmen*	6,343
Stone cutters and carvers	445
Structural metal craftsmen*	868
Telephone installers and repairmen*	8,285
Telephone linemen* and splicers	756
Blasters and powdermen*	311
Chainmen,* rodmen,* and axmen,* surveying	163
Drillers, earth	3,405
Furnacemen,* smeltermen* and pourers	2,761
Garage workers and gas station attendants	12,084
Meatcutters and butchers	28,054
Metal platers	2,828
Mine operatives	3,359
Drill press operatives	14,831
Lathe and milling machine operatives	7,566
Punch and stamping press operatives	48,377
Riveters and fasteners	10,941
Sailors and deckhands	466
Stationary firemen*	4,813
Welders and flamecutters	31,273
Boatmen* and canalmen*	324
Bus drivers	66,000
Deliverymen* and routemen*	19,691
Railroad brakemen*	537
Railroad switchmen*	867
Truck drivers	20,120
Construction laborers, except carpenter helpers	9,571
Fishermen* and oystermen*	1,147
Freight and material handlers	38,760
Longshoremen* and stevedores	705
Lumbermen,* raftsmen* and woodchoppers	1,766
Janitors and sextons (Does not include cleaners and charwomen)	156,755
Busboys*	13,528
Crossing guards and bridgetenders	23,919
Firemen,* fire protection	1,976
Guards and watchmen*	16,262
Policemen* and detectives	13,098

*All these "men" were females.

**On January 10, 1973, the Navy announced selection of 8 women to begin flight cadet training to become pilots of Navy transport planes and helicopters. *Washington Post*, p. A-7 (Jan. 11, 1973).

TABLE V.—Male workers
(Number of male workers)

Dietitians	3,222
Registered nurses	22,332
Secretaries	64,066
Stenographers	8,082
Typists	56,834
Decorators and window dressers	29,709
Dressmakers and seamstresses,* except factory	4,708
Milliners	183
Sewers and stitchers	54,686
Weavers	23,461
Chambermaids* and maids*, except private household	10,107
Cooks, except private household	305,492
Lay midwives*	138
Practical nurses	8,485
Airline stewardesses*	1,364
Child care workers, except private household	9,196
Hairdressers and cosmetologists	46,663
Housekeepers, except private household	29,076

*All males the word notwithstanding.

These samplings show that the "employment interest patterns of the sexes" are far more varied than the traditional stereotypes. They also show that the assumptions underlying the newspaper company's efforts to di-

Footnotes at end of article.

rect job seekers into particular kinds of employment are contrary to the employment interests of large numbers of men and women (just as the race-segregated job ads formerly prevalent were contrary to the employment interests of many whites and Negroes.)

This is being increasingly understood by newspapers throughout the country. The following newspapers, which formerly published sex-segregated job ads, now print "help wanted" columns without sex segregation of the job ads:²⁰

TABLE VI—Newspapers no longer printing sex-segregated classified job ads

Albany Times Union
Atlanta Constitution
Baton Rouge (La.) State Times
Bergen (N.J.) Record
Bismarck (N. Dak.) Tribune
Boston Globe
Charleston (W. Va.) Gazette
Chicago Sun Times
Cleveland Plain Dealer
Cleveland Press
Commercial Appeal (Tenn.)
Dayton Daily News
Deseret (Utah) News
Des Moines Register
Detroit News
Florida Times Union
Honolulu Star Bulletin
Houston Post
Indianapolis News
Kansas City Star
Los Angeles Times
Miami Herald
Minneapolis Star Tribune
Newark Evening News
Newark Star Ledger
Newsday (L.I., N.Y.)
New York Daily News
New York Law Journal
New York Post
New York Times
News and Courier (Charleston, S.C.)
Oakland (Calif.) Tribune
Omaha World Herald
Oregonian
Portland (Maine) Press
Providence (R.I.) Journal
Red Bank (N.J.) Daily Register
St. Louis Post Dispatch
St. Petersburg Times
San Francisco Chronicle
Seattle Times
Tampa Tribune
Times Picayune (La.)
Virginia Pilot (Norfolk, Va.)
Waco (Tex.) Tribune-Herald
Wall Street Journal
Washington Evening Star
Washington Post
Wilmington (Del.) Evening Journal

The lesson of these facts is clear: The sex-labeled headings on job ad columns simply permit (or force) the advertisers to sex-label their help-wanted ads to see defiance of the nondiscrimination law. Such classified ads aid and coerce the commission of the unlawful employment practices prohibited by the Ordinance.

II. THE PITTSBURGH ORDINANCE AS ENFORCED BY THE COURT BELOW—REQUIRING THE PETITIONER TO CEASE SEX-SEGREGATED LABELING FOR JOB ADS IN ITS NEWSPAPERS UNLESS THE ADVERTISER OR POSITION IS EXEMPT UNDER THE ORDINANCE—REGULATES THE COMMERCIAL ACTIVITY OF SELLING ADVERTISING SPACE, IMPOSES LITTLE OR NO BURDEN ON THE PETITIONER, AND DOES NOT ABRIDGE FREEDOM OF SPEECH OR OF THE PRESS WITHIN THE MEANING OF THE FIRST AMENDMENT

The basic purpose of the Pittsburgh Ordinance is to eliminate discrimination based on race, religion, sex, etc., in employment, housing, and public accommodations. To accomplish this purpose, the Ordinance forbids those subject to its nondiscrimination re-

quirements from publishing or circulating, or causing to be published or circulated, a discriminatory notice or advertisement relating to those matters. This prohibition was made in the belief that such discriminatory advertisements provide a major vehicle for accomplishing the forbidden acts of discrimination.

This prohibition against publication or circulation of discriminatory advertisements is not loosely or vaguely worded. On the contrary, it is precisely stated in section 8(e) as to unlawful employment practices; in section 9(d) as to unlawful housing practices; and section 10(a)(2) as to unlawful public accommodation practices. And sections 8(j), 9(g) and 10(b) of the Ordinance prohibit "any person" from aiding, inciting, compelling or participating in such respective unlawful practices.

Nor is the Ordinance aimed solely at publication in the media (i.e., newspapers, magazines, radio, or television). It precludes "any person" from publishing the discriminatory notice or advertisement, whether in a general newspaper or on his own. Indeed, it is not aimed at any function of a newspaper except when the publisher of the newspaper (a) acts discriminatorily in the role of an employer, employment agency or labor union, or landlord or seller of housing, or owner of a publicly available auditorium; or (b) publishes a discriminatory notice or advertisement relating to the forbidden employment, housing, or public accommodations practice.

Nothing in the Ordinance or the order of the court below touches even a scintilla of the Petitioner's freedom of speech or press. The Petitioner is in no way prohibited or hindered in publishing editorials, news articles, comments, cartoons, statements, or any other format for expressing its views, or the views of its "Editor, Business Manager and Classified Ad Manager" (Petitioner's Brief, p. 11), or its writers or readers, on any subject. It is free to expound on what jobs should be held by men or by women, or whether sex discrimination in employment is good or bad, or whether laws barring such discrimination should be expanded or repealed, or the soundness of the court's order requiring it to eliminate sex-segregated column headings in its job ads, or any other topic.

Furthermore, the Ordinance places virtually no burden on a newspaper which, like the Petitioner, publishes classified job ads. Classifying the job ads by occupation is surely not burdensome. The Petitioner does so now. Even if a prospective advertiser insists on having a job ad printed with a sex designation, or under a sex-labeled heading, the newspaper is not obliged to exercise any burdensome judgment. It need only require the prospective advertiser to produce a certificate of exemption from the Human Relations Commission under section 7(d) of the Ordinance, and the newspaper may then print the job ad with the sex label.

The Ordinance is thus narrowly drawn to deal with the evil of promoting discrimination based on race, religion, sex, etc., in the context of a commercial advertisement which seeks to fill a particular job, or to sell or rent a particular house or apartment, or to restrict admission into a particular place of public accommodation. It does not cut down in any way the newspaper's right or ability to express its views for or against the merits of the anti-discrimination requirements of the law.

Even if the Ordinance somehow burdened the Petitioner, "It is clear that the First Amendment does not invalidate every incidental burdening of the press that may result from the enforcement of civil or criminal statutes of general applicability." *Branzburg v. Hayes*, 408 U.S. 665, 682 (1972). This Court has repeatedly held that the First Amendment does not immunize the press from laws of general application, such as the National Labor Relations Act,²¹ the Fair Labor Stand-

ards Act,²² the Sherman Anti-Trust Act,²³ and nondiscriminatory tax laws not directed against the expression of views.²⁴ Lower Federal courts have ruled similarly in cases upholding laws prohibiting the publishing of advertisements which directly promoted a particular existing lottery (but not inhibiting free expression of ideas as in editorials, etc.),²⁵ and laws prohibiting "blockbusting" advertising, i.e., making representations regarding entry of persons of a particular race, religion or national origin into a neighborhood in order to induce sales or rentals of dwelling units.²⁶

In particular, the Petitioner's attempt to invoke the First Amendment as a shield against the Ordinance fails to recognize the solid demarcation between the expression of ideas protected by the First Amendment, and conduct in operating a publishing business in a wholly commercial context which that Amendment does not immunize from governmental regulation.

There is a world of difference, so far as the First Amendment is concerned, between "communicating information . . . and opinion" and "purely commercial advertising."²⁷ Thus, while the First Amendment protects from governmental regulation an editorial or a panel debate on the merits of cigarette smoking, it does not immunize against a statute prohibiting the advertising of cigarettes for sale.²⁸

The principal purpose of classified ads in newspapers is not to express the newspaper publisher's belief, or even the belief of its advertisers, about the social utility of sex discrimination in employment. Instead, the job ads are intended solely to solicit employees for the advertisers, and money for the newspapers.²⁹ Hence, they are wholly unlike the advertisements and books involved in the cases which the Petitioner's Brief (p. 16) cites as granting First Amendment protection to commercial publications. In *New York Times v. Sullivan*, 376 U.S. 254, 266 (1964), the full-page advertisement in the *New York Times* protesting police brutalities against Negroes in Alabama "communicated information, expressed opinion, recited grievances, protested claimed abuses, and sought financial support on behalf of a movement whose existence and objectives are matters of the highest public interest and concern." In *Smith v. California*, 361 U.S. 147 (1959), the imposition of absolute criminal liability on the sale of obscene books, regardless of scienter, would have inhibited distribution of, and public access to, constitutionally protected books and literature as well as obscene material. No such *in terrorem* effect results from the Pittsburgh Ordinance's prohibition against sex-segregating job ad columns.

We believe that the proper line between constitutionally protected free speech and commercial discriminatory advertising which the legislature may prohibit was correctly drawn in Senior Circuit Judge Sobeloff's unanimous opinion in *United States v. Hunter*, 459 F.2d 205 (CA 4, 1972), cert. den. 93 S. Ct. 235 (October 16, 1972), under reconsideration in No. 72-146. In that case, a newspaper published a classified advertisement to rent an apartment in a "white" home. Section 804(c) of the Civil Rights Act of 1968 (42 U.S.C. 3604(c)) prohibits publication of any advertisement concerning sale or rental of a dwelling which indicates "any preference, limitation, or discrimination based on race, color, religion, or national origin . . .", and thus, except as to sex, is virtually identical with section 9(d) of the Pittsburgh Ordinance. Judge Sobeloff's opinion flatly rejected the newspaper's contention that the First Amendment precluded applying section 804(c) to a newspaper. The *Hunter* case involved a Federal statute and race discrimination in a housing ad, while this case involves a local ordinance and sex discrimination in job ads. But there is no

Footnotes at end of article.

difference in principle. Judge Sobeloff's view that the First Amendment does not immunize a newspaper from a statute prohibiting publication of discriminatory classified ads is equally applicable to the First Amendment contention in this case.

We believe that the Petitioner's First Amendment argument in this case is so insubstantial as to verge on the frivolous.

II. THE ORDER OF THE COURT BELOW DID NOT VIOLATE DUE PROCESS AND THE PETITIONER'S DUE PROCESS ARGUMENT MISAPPREHENDS THE BASIS FOR THAT ORDER

The Petitioner's contention that its right to due process of law was violated by the court below is based on something that court did not do. According to Petitioner, the court below ruled that the Petitioner's sex-labeling of job ads "aided an employer in discrimination in hiring . . . without proof that an advertiser discriminated in hiring" (Pet. Brief on Petition for Certiorari, p. 14). At another page (p. 16), the Petitioner says that it was "found as aiding in the discrimination in hiring of women without knowledge that any advertiser has in fact used its classified advertisements as a device to deny women equal consideration for employment positions."

But that isn't what the Court below ruled. The Petitioner's argument misapprehends the basis for the order of the court below. That court didn't say that Petitioner had "aided an employer in discrimination in hiring." It ruled only that the Petitioner had aided an employer in doing one particular act—publishing a job ad which indicates sex discrimination—which the statute "declared to be an unlawful employment practice."

Section 8 of the Ordinance has 10 subparagraphs—(a) through (j)—defining various kinds of unlawful employment practices. One of these occurs when an employer, employment agency, or labor organization causes to be published or circulated a notice or advertisement relating to employment or membership which "indicates" any discrimination because of race, religion, sex, etc. (Subparagraph (e)), which is modeled on section 704(b) of the Civil Rights Act of 1964, 42 U.S.C. 2000e-3(b)). Subsection 4(b) of the Ordinance defines discrimination as constituting "any difference in treatment based on" race, sex, etc. Thus, the unlawful employment practice specified in subsection (e) is the act of causing to be published or circulated a notice or advertisement which "indicates" a "difference in treatment" based on race, sex, etc. It is that practice which the newspaper aided, and thereby violated subsection 8(j) of the Ordinance, which forbids "any person" to aid or compel "the doing of any act declared to be an unlawful employment practice."

It was unnecessary for the Commission to prove that an advertiser had engaged in other kinds of unlawful employment practices (such as refusing to hire or to promote, or otherwise discriminating against, any employee or prospective employee because of race, sex, etc.) in order to hold that the Petitioner violated subsection (j) by aiding in "the doing of" the unlawful employment practice defined in subsection (e). The Commission's finding that the Petitioner aided advertisers in committing the unlawful employment practice defined in subsection 8(e) was fully in accord with the plain structure and purpose of the Ordinance, and the Petitioner had full notice and opportunity to contest the charge. Hence, the order of the court below did not violate the Petitioner's rights to due process of law.

CONCLUSION

The ruling of the court below—that the Petitioner violated section 8(j) of the Pittsburgh Ordinance by aiding the commission of an unlawful employment practice prohibited by subsection (e), namely, publishing a job ad which indicated difference in

treatment in employment based on sex, with respect to jobs not exempt under the Ordinance—was constitutional and correct, and should be affirmed.

Respectfully submitted.

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February 15, 1973.

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FOOTNOTES

¹ The City's Human Relations Ordinance, which established the Human Relations Commission in the Office of the Mayor, prohibits specified acts of discrimination on the basis of race, color, religion, ancestry, national origin, place of birth or sex, in connection with employment, housing, and public accommodations. (Ordinance 75, approved Feb. 28, 1967 (68 City Clerk's Records 511), as amended by Ordinance 395, approved July 7, 1969 (70 *Ibid.*, 691), which added the prohibition against sex discrimination.) The Commission administers and enforces the Ordinance by several methods which are now customarily used by numerous State and local human relations commissions throughout the country; namely, studying human relations problems, issuing reports and publications, making recommendations to the Mayor and City Council, investigating and conciliating complaints of practices defined in the Ordinance as unlawful, certifying exemptions from the Ordinance, holding public hearings, making findings, and issuing cease and desist orders. If the Commission is unable to conciliate the case, it certifies violators of the Ordinance or the Commission's orders to the City Solicitor who then institutes court proceedings to secure enforcement or compliance or to impose a fine of not more than \$300.

² The full statement read:

"Notice to Job Seekers—Jobs are arranged under Male and Female classifications for the convenience of our readers. This is done because most jobs generally appeal more to persons of one sex than the other. Various laws and ordinances—local, state, and Federal—prohibit discrimination in employment because of sex unless sex is a bona fide occupational requirement. Unless the advertisement itself specifies one sex or the other, job seekers should assume that the adviser will consider applicants of either sex in compliance with the laws against discrimination."

³ At least 33 of the 37 States, the District of Columbia and Puerto Rico which prohibit sex discrimination in employment also prohibit sex discriminatory job advertising. See Appendix of this Brief, *post*; and U.S. Dept. of Labor, Women's Bureau, "Laws on Sex Discrimination in Employment" (1970), supplemented to May 1, 1972. Hundreds of cities and counties have human relations commissions operating under a wide variety of nondiscrimination ordinances, many of which prohibit sex discrimination in employment, including sex discriminatory advertising. Examples of the latter are: New York City Administrative Code, Law on Human Rights, as amended May 1972, sec. B1-7.0, ¶1(d), 1a(d) and 6; Minneapolis, Minn., Ord. adopted Nov. 23, 1971; Baltimore Ord. 103, 1963-64, as amended, sec. 10 (3) (iii); and the Pittsburgh Ordinance in this case.

⁴ Religion and national origin (but not race or color) may also be a BFOQ.

⁵ 29 C.F.R. 1604.2; 37 F.R. 6835 (April 5, 1972).

⁶ *Ibid.*, sec. 1604.2(a) (2). The EEOC Guide-

lines are accorded great weight. *Griggs v. Duke Power Co.*, 401 U.S. 424, 433-434 (1971); *Phillips v. Martin-Marietta Corp.*, 400 U.S. 542, 545 (1971) (Marshall, J.); *Weeks v. Southern Bell Tel. & Tel. Co.*, 408 F.2d 228, 235 (CA 5, 1969); *Bartmess v. Drewrys U.S.A.*, 444 F.2d 1186, 1190 (CA 7, 1971); *Rosenfeld v. So. Pac. Co.*, 441 F.2d 1219 (CA 9, 1971); *Local 189, United Papermakers, etc. v. United States*, 416 F.2d 980, 997 (CA 5, 1969).

⁷ EEOC, "Toward Job Equality for Women," p. 5 (1969).

⁸ See *Diaz v. Pan American Airways, Inc.*, 441 F.2d 385 (CA 5, 1971), *cert. den.*, 404 U.S. 959 (1971) (female sex not essential for job of flight cabin attendant, i.e., stewardess).

⁹ The Pennsylvania Human Relations Commission, which administers the State's Human Relations Act (43 Purdon's Penn. Stats. Ann. sec 955) issued the following Guideline (1 Pa. Bull. 2359, sec 2; CCH-Employment Practices Guidelines ¶27,296.02(A)):

"Sec. 2. Discrimination in Employment.—(A) §5(b) (2) provides that it shall be an unlawful practice to publish any advertisement indicating any preference, limitation, specification or discrimination based on sex. The placement of an advertisement seeking applicants for employment in a classified advertisement section under 'Help Wanted—Male,' or 'Help Wanted—Female Interest' or similar columns with a sex designation is considered to be a violation of §5(b) (2) if an employer is covered by the Act and has not received a bona fide occupational qualification exemption from the Commission."

"The mere fact that the newspaper or magazine publishing such advertisements publishes a disclaimer provision advising that applicants of one sex should assume that applicants of either sex will be considered for employment is not considered by the Commission to a defense to a complaint alleging a violation of §5(b) (2)."

¹⁰ Efforts to apply the advertising prohibition to newspapers on the theory that printing classified job ads makes them employment agencies have had mixed results. *Cf. Brush v. San Francisco Newspaper Printing Co.*, 315 F. Supp. 577 (D.C. N.D. Calif. 1970), *aff'd*, 469 F.2d 89 (CA 9, Sept. 19, 1972). *Pet. for cert. pending No. 72-880; Morrow v. Mississippi Publishers Corp.*, 5 FEP Cases 287 (D.C. S.D. Miss., Nov. 27, 1972).

¹¹ Testimony of Frank Coss, Federal Communications Commission Docket 19143, August 1, 1972 *re* Bell Telephone Company discriminatory employment practices (See Cong. Rec. of Feb. 17, 1972, pp. E1243-E1272). See *ftnt.* 20, *infra*.

¹² Hearings on Section 805 of H.R. 16098 before Special Subcommittee on Education of House Committee on Education and Labor, 91st Cong., part 2, pp. 889-896 (1970); Pennsylvania Department of Public Instruction, "Training the Woman to Know Her Place: The Social Antecedents of Women in the World of Work" (1971); Testimony of Frank Coss, *supra*, *ftnt.* 11; Testimony of Dr. G.H.F. Gardner, Hearings on Sex Discriminatory Guidelines of Office of Federal Contract Compliance, August 6, 1969.

¹³ Equal Employment Opportunity Commission, 6th Annual Report (F.Y. 1971), p. 1.

¹⁴ Fact Sheet on the Earnings Gap, Dec. 1971 (rev.), based on Bureau of the Census Current Population Reports (P-60).

¹⁵ *Mitchell v. United States*, 313 U.S. 80 (1941); *Morgan v. Virginia*, 328 U.S. 373 (1946); *Henderson v. United States*, 339 U.S. 816 (1950).

¹⁶ *E.g.*, Gunnar Myrdal, *An American Dilemma*, Appendix 5, pp. 1073-1078 (1944); H.M. Hacker, "Women as a Minority Group," 30 *Social Forces* 60 (Oct. 1951) (reprints available from U.S. Women's Bureau).

¹⁷ In this case, the Court of Common Pleas found: "The evidence before the Commission establishes that at least one customer had increased costs of advertising because of duplication of ads in both male and female

columns." App., Pet. for Writ of Certiorari, p. 33a.

¹⁸ 1970 Census of Population, PC(1)-C1, General Social and Economic Characteristics, U.S. Summary, Table 112, p. 1-418 (June 1972); *Ibid.*, PC(2)-7C, Occupation by Industry, Table 8, pp. 241-247 (October 1972).

²⁰ Some of these newspapers changed voluntarily before, and some after, the EEOC in 1968, and then various State commissions, adopted Guidelines prohibiting placement of job ads in sex-labeled classified ad columns. See text and *fn* 9, *supra*; and Appendix of this Brief, *post*. Others changed pursuant to orders from State Commissions. *E.g.*, *Hinfrey v. Red Bank Register* (E13BS-4806, N.J. Dept. of Law & Pub. Safety, Div. on Civ. Rts., Oct. 27, 1971); *Commission v. Evening Sentinel* (FEP-Sex 1-5, 29-1, Conn. Comm. Hum. Rts., June 30, 1972); *Order, Iowa Civ. Rts. Comm., Labor Rel. Rep.*, FEP 451:407, 1972. Some may have been persuaded by economic or other reasons. *E.g.*, the Bell System telephone companies in July 1971 adopted a policy not to place classified job ads solely in Male- or Female-headed columns and to try to persuade newspapers to provide job ad columns without sex segregation. AT&T letter, July 9, 1971, Bell Exh. 1, Attachment C, FCC Docket 19143. This policy was ratified in the consent order of January 18, 1973 whereby the EEOC Labor Department and the American Telephone and Telegraph Co. agreed on new non-discrimination affirmative action programs, including \$15 million back-pay to minorities and women previously subjected to racial or sex discrimination. *EEOC v. Bell System*, CA 73-149, U.S. Dist. Ct. E.D. Pa.

²¹ *Associated Press v. NLRB*, 301 U.S. 103 (1937) ("The publisher of a newspaper has no special immunity from the application of general laws." P. 132).

²² *Oklahoma Press Publ. Co. Walling*, 327 U.S. 186 (1946); *Mabee v. White Plains Publ. Co.*, 327 U.S. 178 (1946) ("As the press has business aspects, it has no special immunity from laws applicable to business in general." P. 184).

²³ *Associated Press v. United States*, 326 U.S. 1 (1945); *Lorain Journal Co. v. United States*, 342 U.S. 143 (1951) (upheld injunction forbidding publisher to discriminate as to arrangement and location of advertisements by an advertiser who also placed ads in other media. P. 157); *Indiana Farmer's Guide Publishing Co. v. Prairie Farmer Publishing Co.*, 293 U.S. 268 (1934).

²⁴ *Murdock v. Pennsylvania*, 319 U.S. 105, 112 (1943); *Grosjean v. American Press Co.*, 297 U.S. 233, 250 (1936).

²⁵ *New York State Broadcasters Assn. v. United States*, 414 F. 2d 990, 997 (C.A. 2, 1969), *cert. den.* 396 U.S. 1061 (1970).

²⁶ *United States v. Bob Lawrence Realty*, 313 F. Supp. 870, 872 (D.C. N.D. Ga. 1970) ("It is evident that the statute does not make mere speech unlawful. What it does make unlawful is economic exploitation of racial bias and panic selling. We conclude that the statute is one regulating conduct, and that any inhibiting effect it may have on speech is justified by the Government's interest in protecting its citizens from discriminatory housing practices and is not violative of the First Amendment."); *United States v. Mitchell*, 327 F. Supp. 476, 486 (D.C. N.C. Ga. 1971); *United States v. Mintzes*, 304 F. Supp. 1305, 1312 (D.C. D. Md. 1969).

²⁷ *Valentine v. Chrestenson*, 316 U.S. 52, 54 (1942); *Bread v. Alexandria*, 341 U.S. 622, 641-645 (1951) (soliciting magazine subscriptions); *Citizen Publishing Co. v. United States*, 394 U.S. 131, 139 (1969) ("Neither news gathering nor news dissemination is being regulated by the present decree. It deals only with restraints on certain business or commercial practices" of newspapers.)

²⁸ *Capital Broadcasting Co. v. Acting Attorney General*, 405 U.S. 1000 (1972), *aff.*, 333 F. Supp. 582 (D. D.C. 1971); *Banzhaf v. FCC*, 405 F.2d 1082, 1101-1102 (D.C. Cir.

1968), *cert. den.* 396 U.S. 842 (1969) ("Promoting the sale of a product is not ordinarily associated with any of the interests the First Amendment seeks to protect. As a rule, it does not affect the political process, does not contribute to the exchange of ideas, does not provide information on matters of public importance, and is not, except for the admen, a form of individual self-expression. It is rather a form of merchandising subject to limitation for public purposes like other business practices.")

²⁹ According to data from Media Records 16, 18, *Classified Advertising of the First Fifty Sunday and Morning Newspapers* (1970): "... Published lineage figures for the first eleven months of 1970, for example, were \$16,673,673 for the morning Los Angeles Times and \$10,973,049 for its Sunday paper. A rule of thumb sets help-wanted advertising at approximately one-third of a newspaper's total commercial lineage. . . . Boyer, "Help-Wanted Advertising—Everywoman's Barrier," 23 Hastings, L.J. 221, 223, *fn* 7 (Nov. 1971).

APPENDIX—STATE FAIR EMPLOYMENT LAWS PROHIBITING SEX DISCRIMINATORY ADVERTISING

Alaska, Stats. § 18.80.220(a) (3); CCH-Employment Practices Guide, ¶ 20.218.

Arizona Rev. Stat. § 41-1462(3); CCH-EPG, ¶ 20.405.

California, Labor Code, Part 4.5, § 1420(d); CCH-EPG, ¶ 20.881.

Colorado Rev. Stats. § 80-21-6(7) (c); CCH-EPG, ¶ 21.006.

Connecticut Gen. Stats. § 31-126(f); CCH-EPG, ¶ 21.205.

District of Columbia Police Regs., Art. 47, § 4(d) (11); CCH-EPG, ¶ 21.604.

Hawaii Rev. Stat., Tit. 21, § 378-2(3); CCH-EPG ¶ 22.002.

Idaho Code, § 67-5909(4); CCH-EPG ¶ 22.209.

Illinois Rev. Stat. ch. 48, § 851-867 (1971) and Commission Guidelines of Nov. 3, 1971, Art. IV(B), CCH-EPG, ¶ 22.497.04.

Iowa Code Ann. Tit. 40, § 601A.7.1(c); CCH-EPG ¶ 22.807, and Commission Guidelines of Nov. 5, 1970, § 1.1 and 1.2, CCH-EPG ¶ 22.875.

Kansas Stats. § 44-1009(a) (3); CCH-EPG ¶ 23.008; and Commission Guidelines of Oct. 21, 1972, § 21-32-8, CCH-EPG, ¶ 23.093.08.

Kentucky Stats. § 344.080; CCH-EPG ¶ 23.208.

Maryland Code Ann., Art. 49B, § 19(e); CCH-EPG ¶ 23.812.

Massachusetts Gen. Laws, Ch. 151B, § 4(3); CCH-EPG ¶ 24.005 and Commission Guidelines Art. B, CCH-EPG ¶ 24.051.11.

Michigan Comp. Laws, § 423.303a(d); CCH-EPG ¶ 24.203a.

Minnesota Stats. § 363.03 Subdiv. 1(4) (b); CCH-EPG ¶ 24.403 and Commission Guidelines *eff.* June 22, 1971 § 6; CCH-EPG ¶ 24.490.06.

Missouri Rev. Stat. § 296.020(3); CCH-EPG ¶ 24.802.

Nebraska Rev. Stat. § 48-1115; CCH-EPG ¶ 25.115.

Nevada Rev. Stat., § 613.340.2; CCH-EPG ¶ 25.204.

New Hampshire Rev. Stat. Ann., § 354-A:8.3; CCH-EPG ¶ 25.408.

New Jersey Rev. Stat., § 10:5-12.C; CCH-EPG ¶ 25.614.

New Mexico Stats. § 4-33-7(d); CCH-EPG ¶ 25.807.

New York Consol. Laws, Executive Law, § 296-1(d) and 1-a(d); CCH-EPG ¶ 26.007.

Oklahoma Stats. § 25-1306; CCH-EPG ¶ 26.861.

Oregon Rev. Stat. § 659.030-(3); CCH-EPG ¶ 27.007.

Pennsylvania Purdon's Penn. Stat. Ann., Tit. 43, § 955(b) (2); CCH-EPG ¶ 27.204 and § 2 of Commission Guidelines as amended Dec. 25, 1971 (1 Pa. Bull. 2359), CCH-EPG ¶ 27.296.02.

Puerto Rico, Act 100 of June 30, 1959, as amended by Act 50, Laws 1972, sec. 1-A.

Rhode Island Gen. L., § 28-5-1(d) (4); CCH-EPG ¶ 27.507.

South Dakota Comp. L., § 20-13-13(4); CCH-EPG ¶ 27.806.

Utah Code Ann. § 34-35-6(d); CCH-EPG ¶ 28.106.

Vermont Stats. Ann., Tit. 21, § 495(2); CCH-EPG ¶ 28.201.

Washington Rev. Code, § 49.60.180(4) and 49.60.200; CCH-EPG ¶ 28.518 and ¶ 28.520.

West Virginia Code, § 5-11-9(b) (2) and (d) (4); CCH-EPG ¶ 28.709.

WILLIAM BENTON

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on early Sunday last one of the great men of America passed away, William Benton, at age 73. William, or Bill, Benton as he was called by his friends, was one of those rare human beings blessed with versatile genius which led him to leadership in at least five meaningful fields of life. He achieved outstanding success in business even while he was yet a young man and with enviable ease he continued to add to his fortune as the years went by. He told me one time he wished it were as easy for to succeed in politics as it was for him to make money. But the businesses he built or bettered also made an increasingly valuable contribution to his country. Yet he was known to be indifferent in a way to money and always seemed to many of his friends to be playing the game of business for the thrill of it rather than to gratify a burning desire for money which actuates so many men. He was one of the earliest to conceive of modern advertising methods and to master modern advertising techniques, both no doubt attributable to his rare insight into the thinking and the feeling of people.

He achieved distinction as vice president of the University of Chicago to which he rendered an immeasurable contribution at the invitation of his old college friend and classmate, Robert M. Hutchins. He was always at heart an educator and his genius in salesmanship enable him to sell education and indeed a great university.

I first came to know Bill Benton as Assistant Secretary of State for Public Affairs in 1945 when I was a member of the Foreign Relations Committee of the U.S. Senate. Our acquaintance and cooperation at that time deepened into what became for me and will ever remain one of my most cherished friendships. As Assistant Secretary he organized the Voice of America broadcast and was active in the establishment of the United Nations Educational, Scientific, and Cultural Organization. Under the Johnson administration he became a U.S. member of the UNESCO with the rank of Ambassador. His imprint will ever last upon our State Department, upon the United Nations, and especially upon UNESCO which meant so much to him.

I served a part of 1949 and through 1950 with Bill Benton in the Senate. In

this body, as in every area into which his restless energy moved him, he immediately distinguished himself. His keen intelligence, his indefatigable labor, his deep dedication to the public interest, and his burning concern for what was wholesome and decent and would be meaningful to the needy of our country brought him into a most active role as a Senator. He fought against discrimination of any kind that strangled the legitimate aspirations of people. He fought for measures that would make America better and stronger. He was in the Adlai Stevenson public image and character. He exhibited in the Senate the courage that was one of his great attributes—the kind of moral courage that induced him as the first Senator to denounce and to propose censure for Senator Joseph McCarthy, who at that time was at the height of his evil power. Senator Benton's defeat in 1952 was largely due to the enmity of Senator McCarthy. Yet, Senator Benton's resolution ultimately led to Senator McCarthy's censure in 1954.

Senator Benton achieved eminence and wealth also as a publisher of "Encyclopaedia Britannica" and of the 54-volume "Great Books of the Western World," of the 10-volume set called "Gateway to the Great Books," and many other works. As a publisher he was again the dynamic educator and salesman—bringing profound knowledge within the reach of the masses of the people and persuading them to take it.

A few words cannot describe this versatile man. His genius was reflected in his numerous activities in which he so easily excelled. He was indefatigable in labor, unswerving in the pursuit of high principle and deep conviction, brave in attacking without a thought of self or consequence what his conscience told him was wrong or foul or corrupt. The good deeds he did, the help he bestowed upon innumerable individuals, the support he gave to countless causes, the encouragement he gave to those struggling to achieve worthy ends will never be known because in a high sense, as was said of the Master Bill Benton "went about doing good."

He loved the Democratic Party and immeasurably served it. He loved art and was its generous patron and wise connoisseur. He loved education and he taught in educational institutions, through books, writing, and the media. He built great edifices of business. He created and developed institutions meaningful to America and to the world. This kindly, gentle, modest man was blessed with some sort of magic that enabled him to rise from his humble beginning to walk with and among the great doers and builders and thinkers and feelers of the world. Bill Benton made this country better by having labored in it a long lifetime and by the love that he gave it. Every man who had his friendship was fortunate because the friendship of Bill Benton was something to treasure and to cherish. As his friend said of Hamlet when he passed away, we say to Bill:

Goodnight sweet prince and may flights of angels sing thee to thy rest.

Mr. Speaker, the New York Times account of Bill Benton's life and career tells more fully the thrilling story of Bill Benton. I include this account in the Times of March 19 following my remarks:

WILLIAM BENTON DIES HERE AT 73; LEADER IN POLITICS AND EDUCATION

(By Alden Whitman)

Former Senator William Benton of Connecticut, publisher of the Encyclopedia Britannica and onetime Assistant Secretary of State, died early yesterday in his sleep in his apartment at the Waldorf Towers Hotel. He would have been 73 years old on April 1. His home was in Southport, Conn.

Mr. Benton had been released from Lenox Hill Hospital on Feb. 26 after recovering from pneumonia.

A man who never seemed to operate at less than full tilt, William Burnett Benton crammed at least five careers into his 70 years. He was, at various times, an advertising executive, a university vice president, a public servant and Senator and the head of a vast publishing empire. In all these careers, except politics, he wielded the Midas touch.

One example of Mr. Benton's business acumen was the Muzak Corporation, which he picked up in an idle moment in 1939-40, when he was still with the University of Chicago. After expanding the company's operations and taking several millions out of it in dividends, he sold it in 1957 for \$4.35 million. But despite his undoubted feel for the marketplace, Mr. Benton preferred to regard himself (and to be regarded) as a serious and dedicated educator and statesman.

In this respect he was chairman of the company that published and sold the Encyclopedia Britannica, from which he and his family made a great deal of money, much of it given to the William Benton Foundation. At the same time the company enriched the University of Chicago, a contractual beneficiary, by more than \$25 million in 25 years.

A friend and business partner was astonished by the ease with which Mr. Benton made money, remarking that he "completely lacks the acquisitive instinct" and adding: "You never saw a businessman spend less time thinking about money."

ANOTHER VIEWPOINT

Another associate of 20 years disagreed, saying:

"It's like a fellow playing 40 games of chess simultaneously. You could say you never saw a fellow spend so little time on a game of chess. But that wouldn't be the whole story."

In politics, which engaged Mr. Benton from 1945, he was a liberal Democrat, whose record as Senator from Connecticut was highlighted by opposition to Senator Joseph R. McCarthy, the Wisconsin Republican and anti-Communist crusader.

In 1951, when Mr. McCarthy was at the apogee of his influence, Mr. Benton introduced a resolution that, in effect, denounced his colleague as a liar and a thief and as unworthy to sit in the Senate. Hearings on this resolution led ultimately to Mr. McCarthy's censure in 1954, but by that time Mr. Benton was out of the Senate, having been defeated at the polls in 1952. Mr. McCarthy's enmity was generally credited with helping in the defeat.

He tried several times thereafter for office, but, as one biographer put it, he was "never really one of the boys." Mr. Benton it was said, "simply does not react" to a person and an ambiance, and could rarely bring himself to utter a flattery. Less kindly observers said that he was such a fountain of ideas that he did not listen to the notions of others and was inclined more over to be vain-glorious.

SON OF A CLERGYMAN

Mr. Benton's background was religious and educational. Born April 1, 1900, in Minneapolis, he was the son of Charles William Benton, a Congregationalist clergyman and college professor, and the former Elma Hix son, a country school superintendent. His father died when he was 13, and his mother took the family to Montana to clear ground for a homestead.

Bill Benton entered Yale on his second attempt and graduated in 1921. He worked his way through as a high-stake auction bridge player. While denying reports that he cleared \$25,000 a year, he told a friend that "it's a demonstrable fact that for 10 years I was one of the 10 or 20 best card players in the world."

On graduation he turned down a Rhodes Scholarship for a job as an advertising copywriter. This horrified his mother, who wrote her son, "If you won't go into a respectable profession, can't you at least be a lawyer?"

In advertising, he rose to become assistant general manager of Albert Lasker's Lord & Thomas agency in Chicago. He was earning \$25,000 a year when he left in 1929 to join Chester Bowles in forming Benton & Bowles with a capital of \$18,000. This agency, New York-based, attained annual gross billings of \$18-million by 1935, of which Mr. Benton's share was \$250,000—a huge sum in the Depression.

MADE USE OF RADIO

Pioneering in market research and the use of radio as an advertising medium, Mr. Benton was in part responsible for the Maxwell House "Showboat," the Palmolive "Beauty Box," "Gang Busters" and Fred Allen's "Town Hall Tonight." He has been credited with introducing the studio audience and signs to direct it to laugh or applaud, as well as commercials with sound effects.

"Up to then, you'd always had a commercial announcement, somebody stopping the show and talking, as though he were reading from a magazine," Mr. Benton recalled. "I staged commercials, you could hear the spoons, people clinking cups of coffee, everything acted out. It was revolutionary; it was like the first girl standing on her head on the back of a horse."

It was Mr. Benton, impressed with the local "Amos 'n' Andy" comic show in Chicago in 1929, who initiated its sponsorship on a national network by Pepsodent that made the show's characters, played by Freeman Gosden and the late Charles Correll, household words.

Mr. Benton had determined to quit advertising when he was 35, and in 1935, he did, having by that time made \$1-million. Almost immediately, however, Robert M. Hutchins, his Yale classmate and president of the University of Chicago, persuaded him to become a vice president of the school. He held that post from 1937 to 1945 and helped the university pioneer in educational radio and educational movies. His radio program, "The University of Chicago Round Table," won several awards as an adult education show.

With characteristic self-regard, Mr. Benton appeared on the show, talking about the common man, censorship, cartels, foreign relations and other topics on which he was able to brief himself with remarkable thoroughness.

"COOKING UP THINGS"

At Chicago, Mr. Benton was, in effect, advertising a university. "Bill was what an engineering concern would call research and development," Mr. Hutchins said. "We worked on cooking up things, all kinds of measures, some of them successful, some of them abortions."

One of his greatest successes turned out to be the Encyclopedia Britannica, which had been bought from its British owners after

World War I by Sears, Roebuck & Co. in 1943 the mail-order house wanted to get rid of the publication and offered it to the university. Mr. Benton put up \$100,000 in working capital for the acquisition and gave the school a beneficiary interest in the profits.

The salesmanship methods that Mr. Benton employed over the years to push the encyclopedia and its associated enterprises—chiefly classroom films, a yearbook, a junior encyclopedia, an atlas and a dictionary—have been much criticized as “hard sell.” But there has been little question that they produced results. Nevertheless, in the judgement of a number of experts, the informational quality of the Britannica was greatly diluted under Mr. Benton's management. And at least one editor resigned in a huff over the volumes' contents.

PUBLISHED “GREAT BOOKS”

Mr. Benton not only defended the Britannica, but also expanded its related business by publishing the 54-volume “Great Books of the Western World” series and a companion 10-volume set called “Gateway to the Great Books.” In 1964 the Britannica company acquired the G. & C. Merriam Company, which publishes Webster's Dictionary.

Administering his publishing realm, Mr. Benton was accustomed to flying 75,000 miles a year to ginger up his underlings and to dictating up to 8,000 words a day of ideas and suggestions for his aides to execute. Recipients of these memos were amazed (and sometimes numbed) by their author's fecundity and circumlocutions.

In 1971, in a joint venture with the Tokyo Broadcasting System, Mr. Benton began publishing an international encyclopedia in Japanese.

He edged into public service in 1939 as an adviser to Nelson A. Rockefeller, then Coordinator of Inter-American Affairs. Out of this, and an interest in economics as a founder of the Committee for Economic Development came his appointment in 1945 as Assistant Secretary of State for Public Affairs.

As Assistant Secretary, his post for two years, he organized the Voice of America broadcasts and was active in the establishment of UNESCO, the United Nations Educational, Scientific and Cultural Organization. During the Johnson Administration he was chief United States member of the UNESCO executive board with the rank of Ambassador.

He served last year on the educational platform committee at the Democratic Convention in Miami.

APPOINTED BY BOWLES

Mr. Benton became a Senator by courtesy of his old business partner, Chester Bowles, who was Governor of Connecticut in 1949. Mr. Bowles appointed him to fill a vacancy and then he won an election in 1950 for the rest of the term. His Senate record included a plea for a Fair Employment Practices Commission and a fight against the McCarran Immigration Act as restrictive of the people of eastern and southern Europe. He voted for the legislation, however, when his appeals against it proved futile.

Out of office after 1952, he was identified with the Adlai E. Stevenson wing of the Democratic party and campaigned for Mr. Stevenson in 1956 and supported him again in 1960. The two were warm friends, and Mr. Stevenson was a frequent guest at Mr. Benton's home in Southport, Conn.

From his student days, when he was editor of The Yale Record, Mr. Benton was interested in art and in his friend Reginald Marsh in particular. By 1954, when Mr. Marsh died, Mr. Benton has collected hundreds of his paintings, which centered on the vulgarities and vagaries of American life. March, who has come to be recognized as a major artist, forms the richest part of Mr. Benton's collection, which also includes

works by Ivan Albright, Jack Levine, Bellows Hassam and Kunikoshi.

In 1972 the University of Connecticut named the William Benton Museum of Art in Mr. Benton's honor. Later that year he gave his collection of Albright's medical sketches to the University of Chicago Medical School. In the same year he was named Chubb Fellow at Yale.

Mr. Benton married Helen Hemingway, a Connecticut schoolteacher, in 1928. Also surviving are two sons, Charles and John; two daughters, Mrs. Helen Boley and Louise, and eight grandchildren.

ADDRESS OF MR. VERNON E. JORDAN, JR.

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on Friday last, before the National Press Club, Mr. Vernon E. Jordan, Jr., executive director of the National Urban League, delivered a very penetrating and moving address on what the program being put into effect and proposed by the Nixon administration is doing to the black and the poor white people of this country.

Mr. Jordan is naturally aroused by what the administration is doing to deprive these people of services and aid which are so meaningful in their lives. He pointed out vividly how not only the black but the lower income and the poorer white people, more numerous than the blacks affected, are the victims of the administration's policy of drawing back the Federal Government from the help that has been extended.

The devious excuses made by the administration for dismantling the programs which have been built up over the years to help people in need are eloquently pointed out by Mr. Jordan. I believe every Member of the Congress will profit by reading his able address, and I hope it may so stir the conscience of the Congress and the country as to lead to a determined effort in the Congress and throughout the Nation not only to retain but to expand the present program, and to see to it that it is so administered as to accomplish efficiently the objectives it was designed to achieve.

Mr. Speaker, I ask that Mr. Jordan's moving address appear in the RECORD following my remarks.

BLACKS AND THE NIXON ADMINISTRATION: THE NEXT 4 YEARS

(Address by Vernon E. Jordan, Jr.)

In his Budget Message to the Congress, the President once again called for “a new American Revolution to return power to the people.” But the Message itself, and the provisions of a federal budget that hacks away at social spending with ruthless intensity, can only be seen as the first shots of a counter-revolution designed to destroy the social reforms of the 1960s.

Indeed, the proposed budget is the blueprint for the conversion of a national policy of “benign neglect” into a policy of active hostility to the hopes, dreams and aspirations of black Americans.

I do not believe this policy is intentional, nor do I believe that it is the product of conscious, anti-black, anti-poor reasoning. Rather it is the by-product of a view of society and of the proper role of government that is incompatible with the implementa-

tion of the precious rights won by minorities in recent years. The yawning gap between the philosophy of decentralized government marked by a passive domestic role for the federal Administration, and the effects of such a system on poor people and minorities vividly illustrates how honorable intentions can have disastrous results.

I am reminded of the famous lines by T. S. Eliot: “Between the idea and the reality/ Between the motion and the act/Falls the shadow.” Today that shadow falls on black Americans, minorities, and on the overwhelming numbers of poor people who are white. It is they who are being asked to carry the burdens imposed by the impending massive federal withdrawal from moral and programmatic leadership in the domestic arena. The shadow that falls upon them is deep and its darkness spreads a blight across our land.

The Administration's domestic policy, as revealed in its budget proposals and in a flurry of public statements, encompasses on the one hand, sharp cuts in spending on social services, and on the other, a massive shift in resources and responsibility from Washington to local governments. These are the two prongs of a pincer movement that entraps millions of Americans.

A brief examination of just a few of the federal actions both proposed and already taken, are enough to indicate that urban America is well on the way to becoming a free fire zone doomed to destruction by the very forces it looks to for salvation.

In employment, the Emergency Employment Act will be phased out, ending public service jobs for about 150,000 state and city employees, some forty percent of whom had been classified as disadvantaged. Job-creation and training programs already crippled by the refusal to spend appropriated funds, will be cut sharply. A wide variety of federally-backed summer and youth employment programs will be dropped, and special programs for high unemployment areas will be eliminated.

In housing, a freeze has been imposed on federally-subsidized housing affecting hundreds of thousands of low-income families and robbing construction workers of jobs.

In education, federal programs to provide compensatory educational services to disadvantaged children, and important vocational education programs will be dismantled, while day care student loans, special school milk programs and aid to libraries will be eliminated or reduced to a small fraction of their former size.

In health, 23 million aged and handicapped people will have an extra billion dollars torn from them in higher Medicare charges and lessened coverage, while funds for the successful community mental health centers and for new hospitals will be eliminated.

In addition to this listing of horror stories, there are further atrocities—the dismantling of the Office of Economic Opportunity and abolition of its over 900 community action programs; the end of the Model Cities program, and the effective end of urban renewal and a host of other federal programs of community development.

A number of arguments have been advanced to justify the far-reaching changes the new American counter-revolution seeks to establish. Taken together, they recall Horace Walpole's comment about the world: that it “is a comedy to those that think, a tragedy to those that feel.”

It is said, for example, that the budget cuts are necessary to avoid new taxes and to control inflation. This neatly avoids mention of the imposition of a sharply increased social security payroll tax that falls disproportionately on the same low-income families that will be hurt most by social service cutbacks. I accept the need for a ceiling on federal expenditures, but I cannot accept the faulty priorities that raise military expend-

itures by just under five billion dollars while slicing funds for the poor and for the cities. The cost of one Trident Submarine would pay for the public service employment program. The requested increase in funds for the F-15 fighter is about equal to the amounts cut from manpower training funds. Federal disinvestment in human resources reflects an irrational choice of priorities.

Another reason for the cuts is the overly-optimistic view that many of the federal programs are no longer needed. The President himself seemed to be making this point in his Human Resources Message when he said: "By almost any measure life is better for Americans in 1973 than ever before in our history, and better than in any other society of the world in this or any earlier age." And the theme was repeated in the Message dealing with cities, which declared that "the hour of crisis has passed."

I cannot agree. I believe, instead, that the hour of crisis is upon us, and is intensified by the federal withdrawal from urban problems. I would hate to have to explain to a poor black family in Bedford-Stuyvesant that's chained to an over-crowded slum apartment because of the housing subsidy freeze that this is really the best of all possible worlds. I would hate to have to explain to a poor black farm worker in Mississippi that the record gross national product means he's living in a golden era. And I would hate to have to explain to an unemployed Vietnam veteran who can no longer enter a federal manpower training program that he is being adequately repaid for his sacrifices.

Life in 1973 may be better for some people, but it is not better for black Americans. We are afflicted with unemployment rates more than double those for white workers. Black teenage unemployment is near 40 percent. Unemployment and under-employment in the ghettos of America is from one-third to one-half of the work force. The total number of poor people in this country has risen sharply in the past several years. No. This is no Eden in which we live and we cannot complacently agree that there is no longer a need for federal social service programs.

Another justification for ending some programs is arrived at by a method of reasoning I confess I am unable to comprehend. Such programs, it is said, have proved their worth and therefore the government should no longer operate them. Since they are so good, someone else should do them. I can only suppose that the next step will be to tell the Joint Chiefs of Staff that the armed forces have done such a good job that the federal government will stop funding them.

Another argument—a serious one of some substance—is that some programs have not worked and therefore should be abandoned. Such programs fall into two categories—those that appear to neutral observers to have accomplished their goals, and those that clearly have not been as effective as they should have been.

It is inaccurate and unfair to suggest that the community actions programs or the Model Cities programs, to take two important examples, have failed. There is every indication that they have brought a new sense of spirit and accomplishment to many hundreds of cities. By fully involving poor people in the decision-making process they have contributed significantly to urban stability and to individual accomplishment. Federal evaluation studies endorse this view. Local political leadership has also insisted that the programs are successful. For years, the agony of the Vietnam War was justified on the grounds that we had made a moral commitment to the people there. Can we now abandon the moral commitment to our own cities and to our own people?

Some federal programs have been clear disappointments. Some of the housing sub-

sidy programs, for example, were sabotaged not by poor people seeking a decent home, but by some speculators in league with some federal employees. Thus, although thousands of families have been sheltered by these programs; although scandal-free housing has been produced by effective non-profit organizations and although the need for low- and moderate-income housing is pressing, federal housing subsidies have been frozen and appear on their way to an early death. The victims of federal housing failures are being punished doubly—once by ineffective program control, and again by the moratorium on all housing subsidies. Ending all housing programs because some have shown signs of failure makes about as much sense as eliminating the Navy because some new ships have had cost over-runs.

The final justification of the Administration's policies, and the core of the new American counter-revolution, is that federal funds will be transferred to local governments in the form of bloc grants in four major areas—community development, education, manpower and law enforcement. It is proposed that the federal government end its categorical grant programs administered, financed and monitored by federal agencies and that local governments should now decide whether to spend federal monies on job-training or on roads, on compensatory education in the ghetto or on a new high school in the suburbs. This has been called "returning power to the people."

To black Americans, who historically had no choice but to look to the federal government to correct the abuses of state and local governments, that is very much like hiring the wolf to guard the sheep. It is axiomatic in American political life, with some exceptions, that the lower the level of government, the lower the level of competence and the higher the margin for discrimination against the poor and the powerless.

The power that has accrued to the central government is due to the failure of localities to be responsive to the needs of all but a handful of their constituents. Black Americans have looked to the federal government to end slavery, to end peonage, to restore our constitutional rights and to secure economic progress in the face of discrimination. Yes, we looked to Washington because we could not look to Jackson, to Baton Rouge or to Montgomery. White people looked to Washington too, for the federal programs that helped many of them survive the Depression, helped them move to suburbia and helped them to prosper economically. Now that Washington has finally embarked on programs that hold out some hope for minorities, we are told instead to look to local governments notorious for their historic insensitivity to the needs and aspirations of blacks and the poor.

Before falling prey to the siren song of local infallibility, the Administration should examine the use local governments are making of general revenue sharing grants already distributed. News reports from across the country repeat the same dismal story—federal money used to build new city halls, to raise police salaries, and to cut local taxes. All this is taking place at a time when school systems are falling apart, housing is being abandoned, and health needs are unmet. The record does not inspire confidence that lost federal social service programs will be replaced with effective local ones.

General revenue sharing is a fact. It is a reality. Thirty billion dollars is in the pipeline for state and local governments. Rather than throw still more money at local governments at the expense of federal programs with proven track records, the Administration should be developing performance standards and effective compliance mechanisms that assure these local programs will work. Folding—or rather, crumbling—federal social service programs into no-strings-

attached special revenue sharing packages seems to me to be a prescription for disaster.

Black Americans have been assured that anti-discrimination regulations will prevent local abuses. While the Treasury Department's guidelines have been revised and strengthened, we still cannot take heart from such assurances. They come just a few weeks after the Civil Rights Commission reported the persistence of "inertia of agencies in the field of civil rights," and after the government was subjected to a federal court order to enforce the laws against school segregation. It is hard to imagine that the politically-charged decision to withhold funds from states or cities that discriminate will be made. And without federal standards assuring that funds will be used in behalf of poor people in need of job-training, public housing, and special school and health programs, the money will once again find its way into the pockets of entrenched local interests.

The proposed special revenue sharing approach breaks faith not only with poor people, but with local governments as well. What Washington gives with one hand it takes with the other. Mayors who once hungered for no-strings-attached bloc grants are now panicked by the realization that the funds they receive will be inadequate to meet the needs of their communities and will be less than their cities get in the current categorical-aid programs. In addition, there is the probability that future special revenue sharing funds will continue to shrink. Rather than shifting power to the people, the new American counter-revolution creates a vacuum in responsible power.

We must not forget, as so many have, that federal programs today do embody local initiatives and local decision-making. The myths of the Washington bureaucrat making decisions for people 3,000 miles away is false. The money often comes from the federal Treasury. The broad program goals and definitions of national needs come, as they should, from the Congress. But the specific program proposals, their implementation, and their support come from local governments, citizens and agencies. Those federal dollars that are now deemed tainted actually enable local citizens to meet local problems under the umbrella of national financial and moral leadership. To shift the center of gravity away from national leadership is to compound the drift and inertia that appear to categorize our society today.

It is in this context that the blast of white silence is so puzzling. Far more white people than blacks will be hurt by the budget cuts. Yet the responsibility for calling attention to their impact falls increasingly on black leadership. There are three times as many poor white families as there are poor black families. The majority of people on welfare are white. Of the black poor, more than half don't get one devalued dollar from welfare. Two-thirds of the families who got homes through the now-frozen 235 subsidy program were white. The majority of trainees in manpower programs, and three-fourths of the people who will lose their jobs under the public employment program are white.

But because black Americans have been the most vocal segment of the population in urging social reforms, there is the mistaken impression that only blacks benefit from them. The Battle of the Budget is a larger-scale replay of the fight for welfare reform waged—and lost—last year. Then, as now, black leadership was out front in favor of a living guaranteed income for all. But we had few white supporters, although many more white people than black would have benefited. It is reasonable to ask, had we won that struggle would all of those poor white people have returned their income supplement checks? And it is fair to ask today that

white people join us in the struggle to preserve the social services of the federal government that enable them, too, to survive.

The silent white majority that has been the prime beneficiary of the programs of the 1960s and is today the group most in need of further federal services will have to speak up. They are not stigmatized, as are blacks, by charges of special pleading by special Americans looking for special treatment. And their representatives in the Congress will have to act, too. They cannot complacently watch their constituents' welfare being trampled on, nor can they accept the shrinkage of their rightful constitutional role in our system of government.

Already, there have been signs that some Congressmen whose votes helped to pass progressive legislation a few short years ago are now of a mind to compromise with Administration power, to compromise the jobs and livelihood and needs of their constituents, to compromise the power of the Congress to control the purse and to influence domestic policies, and finally, to compromise their own principles. If this is so, it will be tragic for the Constitution, tragic for the country, tragic for the poor people, and tragic for the heritage of liberalism.

The gut issues of today—better schools, jobs and housing for all, personal safety and decent health care—are issues that transcend race. So long as they are falsely perceived as "black issues," nothing constructive will be done to deal with them. White America must come to see that its cities, its needs and its economic and physical health are at stake. The needs of blacks and whites are too strongly intertwined to separate. As Whitney Young used to say, "We may have come here on different ships, but we're in the same boat now."

So White Americans must join with black people to rekindle the American Dream, and to sing, in the words of Langston Hughes:

"O, let America be America again—
The land that never has been yet—
and yet must be."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LENT (at the request of Mr. WYDLER), for today, on account of official business.

Mr. GRAY, for March 21, 22, 23, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. PATMAN, for 20 minutes, today, and to revise and extend his remarks.

(The following Members (at the request of Mr. CONLAN) to revise and extend their remarks and include extraneous matter:)

Mr. HANSEN of Idaho, for 10 minutes, today.

Mr. VEYSEY, for 10 minutes, today.

Mr. BELL, for 15 minutes, today.

Mr. SAYLOR, for 60 minutes, on March 21.

(The following Members (at the request of Mr. ROSE) to revise and extend their remarks and include extraneous matter:)

Mr. MCFALL, for 5 minutes, today.

Mr. EILBERG, for 5 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. COTTER, for 5 minutes, today.
Mr. FLOOD, for 5 minutes, today.
Mr. TIERNAN, for 5 minutes, today.
Mr. JAMES V. STANTON, for 30 minutes, today.

Mr. ROSTENKOWSKI, for 5 minutes, today.

Mr. CORMAN, for 60 minutes, on April 16.

Mr. STAGGERS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mrs. GRIFFITHS and to include extraneous matter, notwithstanding the fact that it exceeds 6¼ pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost \$1,062.50.

Mr. GROSS to revise and extend remarks he made on the various resolutions.

Mr. THOMPSON of New Jersey to revise and extend remarks he made on the various resolutions.

(The following Members (at the request of the Mr. CONLAN) and to include extraneous matter:)

Mr. JOHNSON of Colorado.

Mr. GUBSER.

Mr. COCHRAN.

Mr. HANRAHAN.

Mr. DEL CLAWSON.

Mr. CRANE in five instances.

Mr. WHITEHURST.

Mr. BRAY in two instances.

Mr. HASTINGS.

Mr. KEMP in two instances.

Mr. WHALEN.

Mr. HEINZ.

Mr. ERLNBORN.

Mr. YOUNG of Illinois.

Mr. McCLOSKEY.

(The following Members (at the request of Mr. ROSE) and to include extraneous material:)

Mrs. GRIFFITHS.

Mr. CORMAN.

Mr. GONZALEZ in three instances.

Mr. ROY.

Mr. RARICK in three instances.

Mr. VANIK in two instances.

Mr. KASTENMEIER.

Mr. STARK.

Mr. STUDDS.

Mr. VAN DEERLIN in two instances.

Mr. FRASER in five instances.

Mr. HUNGATE in three instances.

Mr. SYMINGTON.

Mr. RODINO.

Mr. MCKAY.

Mr. REID.

Mr. HARRINGTON in two instances.

Mr. PATTEN in two instances.

Mr. ZABLOCKI in three instances.

Mr. PICKLE.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 583. An act to promote the separation of constitutional powers by suspending the ef-

fectiveness of the Rules of Evidence for United States Courts and Magistrates, the Amendments to the Federal Rules of Civil Procedure, and the Amendments to the Federal Rules of Criminal Procedure transmitted to the Congress by the Chief Justice on February 5, 1973, until approved by act of Congress.

ADJOURNMENT

Mr. ROSE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 47 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 21, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

611. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report that various appropriations for the fiscal year 1973 have been apportioned on a basis which indicates the necessity for supplemental estimates of appropriations in order to permit payment of pay increases granted pursuant to law, together with a list of the appropriations affected, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

612. A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend title 37, United States Code, to authorize travel and transportation allowances to certain members of the uniformed services stationed outside the United States for dependents' schooling, and for other purposes; to the Committee on Armed Services.

613. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to give effect to the International Convention for the Conservation of Atlantic Tunas, signed at Rio de Janeiro May 14, 1966, by the United States of America and other countries, and for other purposes; to the Committee on Foreign Affairs.

614. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a draft of proposed legislation to extend the period within which the President may transmit to the Congress plans for the reorganization of agencies of the executive branch of the Government, and for other purposes; to the Committee on Government Operations.

615. A letter from the Attorney General, transmitting a draft of proposed legislation to assure the imposition of appropriate penalties for persons convicted of offenses involving heroin or morphine, to provide emergency procedures to govern the pretrial and post trial release of persons charged with offenses involving heroin or morphine, and for other purposes; to the Committee on Interstate and Foreign Commerce.

616. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend section 502(a) of the Merchant Marine Act, 1936; to the Committee on Merchant Marine and Fisheries.

617. A letter from the Secretary of Transportation, transmitting the second annual report on the special bridge replacement program authorized by the Federal-Aid Highway Act of 1970, pursuant to 23 U.S.C. 144; to the Committee on Public Works.

618. A letter from Administrator of Veter-

ans' Affairs, transmitting a draft of proposed legislation to amend title 38 of the United States Code to require that certain veterans receiving hospital care from the Veterans' Administration for nonservice-connected disabilities be charged for such care to the extent that they have health insurance or similar contracts with respect to such care; to prohibit the future exclusion of such coverage from insurance policies or contracts; and for other purposes; to the Committee on Veterans' Affairs.

RECEIVED FROM THE COMPTROLLER GENERAL

619. A letter from the Comptroller General of the United States, transmitting a report on the need for the Forest Service and the Bureau of Land Management to take additional actions to minimize the adverse environmental impacts of timber harvesting and road construction on Federal forest land; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MATSUNAGA: Committee on Rules. House Resolution 315. Resolution providing for the consideration of H.R. 5446, a bill to extend the Solid Waste Disposal Act, as amended, for 1 year (Rept. No. 93-79). Referred to the House Calendar.

Mr. MATSUNAGA: Committee on Rules. House Resolution 316. Resolution providing for the consideration of H.R. 5445, a bill to extend the Clean Air Act, as amended, for 1 year (Rept. No. 93-80). Referred to the House Calendar.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 3153. A bill to amend the Social Security Act to make certain technical and conforming changes (Rept. No. 93-81). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAYS: Committee on Foreign Affairs. H.R. 5610. A bill to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations, and for other purposes (Rept. No. 93-82). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 291. Resolution to provide funds for the expenses of the investigations and studies authorized by House Resolution 163 (Rept. No. 93-83). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 306. Resolution to provide funds for the expenses of the studies, investigations, and inquiries authorized by House Resolution 18 (Rept. No. 93-84). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 307. Resolution to provide funds for the expenses of the investigations and studies authorized by House Resolution 162 (Rept. No. 93-85). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 308. Resolution authorizing the expenditure of certain funds for the expenses of the Committee on Internal Security (Rept. No. 93-86). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 309. Resolution to provide funds for the Select Committee on Crime for studies and investigations authorized by House Resolution 256 (Rept. No. 93-87). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Ms. ABZUG:

H.R. 5821. A bill requiring congressional authorization for the reinvolvement of American forces in further hostilities in Indochina; to the Committee on Foreign Affairs.

By Mr. ADAMS (for himself, Mr. BOLLAND, Mr. BURKE of Massachusetts, Mr. HELSTOSKI, Mr. HOWARD, Mr. MOAKLEY, Mr. POBELL, Mr. THOMPSON of New Jersey, Mr. TIERNAN, Mr. STUDDS, and Mr. YATRON):

H.R. 5822. A bill to create a not-for-profit corporation to acquire and to maintain rail lines in the Northeast region of the United States; to provide financial assistance for the acquisition, rehabilitation, and maintenance of such rail line, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BELL (by request):

H.R. 5823. A bill to strengthen education by consolidating certain elementary and secondary education grant programs through the provision of a share of the revenues of the United States to the States and to local educational agencies for the purpose of assisting them in carrying out education programs reflecting areas of national concern; to the Committee on Education and Labor.

By Mr. BINGHAM:

H.R. 5824. A bill to permit State and local officials to elect to use funds from the highway trust fund for purposes of urban or rural mass transportation; to the Committee on Public Works.

H.R. 5825. A bill to establish a National Surface Transportation Trust Fund, and for other purposes; to the Committee on Ways and Means.

By Mr. BLACKBURN (for himself, Mr. GOODLING, Mr. BAFALIS, Mr. CRANE, Mr. TREEN, and Mr. FOUNTAIN):

H.R. 5826. A bill to protect the freedom of choice of Federal employees in employee-management relations; to the Committee on Post Office and Civil Service.

By Mr. CLARK:

H.R. 5827. A bill to amend the Internal Revenue Code of 1954 to provide that certain bond interest received by individuals 65 or over shall be excluded from gross income; to the Committee on Ways and Means.

By Mr. DOMINICK V. DANIELS:

H.R. 5828. A bill to provide for the development of a uniform system of quality grades for consumer food products; to the Committee on Agriculture.

H.R. 5829. A bill to amend the Economic Stabilization Act of 1970, to stabilize the retail prices of meat for a period of 45 days at the November 1972, retail levels, and to require the President to submit to the Congress a plan for insuring an adequate meat supply for U.S. consumers, reasonable meat prices, and a fair return on invested capital to farmers, food processors, and food retailers; to the Committee on Banking and Currency.

H.R. 5830. A bill to amend the Intergovernmental Cooperation Act of 1968 to improve intergovernmental relationships between the United States and the States and municipalities, and the economy and efficiency of Government, by providing Federal cooperation and assistance in the establishment and efficiency of Government, by providing Federal cooperation and assistance in the establishment and strengthening of State and local offices of consumer protection; to the Committee on Government Operations.

H.R. 5831. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the

labels on all foods to disclose each of their ingredients; to the Committee on Interstate and Foreign Commerce.

H.R. 5832. A bill to require that certain processed or packaged consumer products be labeled with certain information, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 5833. A bill to amend the Fair Packaging and Labeling Act to require certain labeling to assist the consumer in purchases of packaged perishable or semiperishable foods; to the Committee on Interstate and Foreign Commerce.

H.R. 5834. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the labels on certain package goods to contain the name and place of business of the manufacturer, packer, and distributor; to the Committee on Interstate and Foreign Commerce.

H.R. 5835. A bill to require that certain durable products be prominently labeled as to date of manufacture, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 5836. A bill to require that durable consumer products be labeled as to durability and performance life; to the Committee on Interstate and Foreign Commerce.

H.R. 5837. A bill to amend the Fair Packaging and Labeling Act to require the disclosure by retail distributors of unit retail prices of packaged consumer commodities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 5838. A bill to amend the Federal Trade Commission Act to make sales promotion games unfair methods of competition; to the Committee on Interstate and Foreign Commerce.

H.R. 5839. A bill to repeal the meat quota provisions of Public Law 88-482; to the Committee on Ways and Means.

By Mr. DANIELSON:

H.R. 5840. A bill to amend the Military Personnel and Civilian Employees' Claim Act of 1964, as amended, with respect to the settlement of claims against the United States by civilian officers and employees for damage to, or loss of, personal property incident to their service; to the Committee on the Judiciary.

H.R. 5841. A bill to amend the Internal Revenue Code of 1954 to disallow deductions from gross income for salary paid to aliens illegally employed in the United States; to the Committee on Ways and Means.

By Mr. DANIELSON (for himself, Mr. FLOWERS, Mr. MANN, and Mr. SANDMAN):

H.R. 5842. A bill to amend the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, with respect to the settlement of claims against the United States by military personnel and civilian employees for damage to, or loss of, personal property incident to their service; to the Committee on the Judiciary.

H.R. 5843. A bill to amend sections 2733 and 2734 of title 10, United States Code, and section 715 of title 32, United States Code, to increase the maximum amount of a claim against the United States that may be paid administratively under those sections; to the Committee on the Judiciary.

H.R. 5844. A bill to amend section 2734a of title 10, United States Code, to provide for settlement, under international agreements, of certain claims incident to the noncombat activities of armed forces, and for other purposes; to the Committee on the Judiciary.

By Mr. DE LA GARZA (for himself, Mr. YOUNG of Texas, and Mr. KAZEN):

H.R. 5845. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Nueces River project, Texas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DENT:

H.R. 5846. A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for certain additional persons on a space-available basis; to the Committee on Interstate and Foreign Commerce.

By Mr. DINGELL:

H.R. 5847. A bill to amend the Federal Trade Commission Act by providing for temporary injunctions or restraining orders for certain violations of that act; to the Committee on Interstate and Foreign Commerce.

H.R. 5848. A bill to amend the Federal Water Pollution Control Act to authorize certain grants for assisting in improved operation of waste treatment plants; to the Committee on Public Works.

H.R. 5849. A bill to amend title 23 of the United States Code with respect to highways, roads, and trails constructed on public lands; to the Committee on Public Works.

H.R. 5850. A bill to amend the Federal Water Pollution Control Act to require persons operating sewage treatment works be licensed; to the Committee on Public Works.

By Mr. DONOHUE:

H.R. 5851. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension; to the Committee on Veterans' Affairs.

By Mr. EVANS of Colorado (for himself, Mr. MOAKLEY, Mr. BURTON, Mr. FLOOD, Mr. ROYAL, Mr. HARRINGTON, Mr. HAWKINS, Mrs. HANSEN of Washington, Mr. FRASER, and Mrs. BURKE of California):

H.R. 5852. A bill to establish a comprehensive system for regulation of weather modification activities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FORSYTHE (for himself, Mr. ANDERSON of Illinois, Mr. BAFALIS, Mr. BEVILL, Mr. BURGNER, Mr. CLEVELAND, Mr. COLLINS, Mr. DOWNING, Mr. EILBERG, Mr. HENDERSON, Mr. JONES of North Carolina, Mr. KEMP, Mr. MOAKLEY, Mr. PODELL, Mr. RHODES, Mr. STEELE, Mr. STEIGER of Wisconsin, Mr. TREEN, and Mr. WON PAT):

H.R. 5853. A bill to amend title 37, United States Code, so as to extend from 1 to 3 years the period that a member of the uniformed services has following his retirement to select his home for purposes of travel and transportation allowances under such title, and for other purposes; to the Committee on Armed Services.

By Mr. FORSYTHE:

H.R. 5854. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. GRAY:

H.R. 5855. A bill to establish the William Jennings Bryan National Memorial; to the Committee on Interior and Insular Affairs.

H.R. 5856. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 5857. A bill to amend the National Visitor Center Facilities Act of 1968, and for other purposes; to the Committee on Public Works.

H.R. 5858. A bill authorizing further appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes; to the Committee on Public Works.

By Mr. HANSEN of Idaho:

H.R. 5859. A bill to provide equitable treat-

ment of veterans enrolled in vocational educational courses; to the Committee on Veterans' Affairs.

By Mr. HARRINGTON:

H.R. 5860. A bill to amend the Internal Revenue Code of 1954 to permit the deduction without limitations of medical expenses paid for certain dependents suffering from physical or mental impairment or defect; to the Committee on Ways and Means.

By Mr. HASTINGS:

H.R. 5861. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the disclosure of ingredients in the labels of all foods; to the Committee on Interstate and Foreign Commerce.

H.R. 5862. A bill to amend the Communications Act of 1934 to provide for loan assistance to certain cable television systems; to the Committee on Interstate and Foreign Commerce.

By Mrs. HOLT:

H.R. 5863. A bill to assure the continued dedication of the United States to quality education and the neighborhood school concept; to the Committee on the Judiciary.

H.R. 5864. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of certain increases in monthly social security or railroad retirement benefits; to the Committee on Veterans' Affairs.

By Mr. JONES of Oklahoma:

H.R. 5865. A bill to amend section 210 of the Flood Control Act of 1968; to the Committee on Public Works.

By Mr. KASTENMEIER (for himself, and Mr. BROWN of California, Mr. BURTON, Mr. CONYERS, Mr. DERWINSKI, Dr. DRINAN, Mr. EDWARDS of California, Mr. EILBERG, Mr. FISH, Mrs. GREEN of Oregon, Mr. HARRINGTON, Mr. HELSTOSKI, Mr. KOCH, Mr. MAZZOLI, Mr. MITCHELL of Maryland, Mr. REES, Mr. REUSS, Mr. STUDDS, Mr. SYMINGTON, Mr. WALDIE, Mr. WON PAT, and Mr. WRIGHT):

H.R. 5866. A bill to authorize the President, through the temporary Vietnam Children's Care Agency, to enter into arrangements with the Government of South Vietnam to provide assistance in improving the welfare of children in South Vietnam and to facilitate the adoption of orphaned or abandoned Vietnamese children, particularly children of U.S. fathers; to the Committee on Foreign Affairs.

By Mr. LITTON:

H.R. 5867. A bill to amend the Internal Revenue Code of 1954 to prohibit inspection of income tax records by the Department of Agriculture and to allow certain limited information from such records to be furnished to the Department; to the Committee on Ways and Means.

By Mr. MATSUNAGA (for himself, Mr. ADDABO, Mr. ADAMS, Mr. BENNETT, Mr. BEVILL, Mr. BINGHAM, Mr. BRASCO, Mr. BROVILL of North Carolina, Mr. BURTON, Mr. CARNEY of Ohio, Mr. CASEY of Texas, Mrs. CHISHOLM, Mr. DEL CLAWSON, Mr. COLLIER, Mr. CONLAN, Mr. COUGHLIN, Mr. CRONIN, Mr. DOMINICK V. DANIELS, Mr. DANIELSON, Mr. DENHOLM, Mr. DE LUGO):

H.R. 5868. A bill to authorize the Secretary of the Navy to construct and provide shore-side facilities for the education and convenience of visitors to the U.S.S. Arizona Memorial at Pearl Harbor and to transfer responsibility for their operation and maintenance to the National Park Service; to the Committee on Armed Services.

By Mr. MATSUNAGA (for himself, Mr. DENT, Mr. DERWINSKI, Mr. DORN, Mr. DOWNING, Mr. ESCH, Mr. EVINS of Tennessee, Mr. FISHER, Mr. GERALD R. FORD, Mr. FRELINGHUYSEN, Mr.

FUQUA, Mr. GIAIMO, Mr. GOLDWATER, Mrs. GRASSO, Mr. HANNA, Mrs. HANSEN of Washington, Mr. HAWKINS, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mr. HINSHAW, and Mr. HOLIFIELD):

H.R. 5869. A bill to authorize the Secretary of the Navy to construct and provide shore-side facilities for the education and convenience of visitors to the U.S.S. Arizona Memorial at Pearl Harbor and to transfer responsibility for their operation and maintenance to the National Park Service; to the Committee on Armed Services.

By Mr. MATSUNAGA (for himself, Mr. HOSMER, Mr. HUNGATE, Mr. HUNT, Mr. JOHNSON of California, Mr. KEMP, Mr. KYROS, Mr. LEHMAN, Mr. MCCORMACK, Mr. MCKINNEY, Mr. MANN, Mr. MEEDS, Mr. MELCHER, Mr. MINISH, Mrs. MINK, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. MOLLOHAN, Mr. MOSS, Mr. NICHOLS, Mr. OBEY, and Mr. PEPPER):

H.R. 5870. A bill to authorize the Secretary of the Navy to construct and provide shore-side facilities for the education and convenience of visitors to the U.S.S. Arizona Memorial at Pearl Harbor and to transfer responsibility for their operation and maintenance to the National Park Service; to the Committee on Armed Services.

By Mr. MATSUNAGA (for himself, Mr. PICKLE, Mr. PODELL, Mr. RARICK, Mr. REES, Mr. RHODES, Mr. RODINO, Mr. ROE, Mr. RONCALLO of New York, Mr. ROSENTHAL, Mr. ROY, Mr. SARASIN, Mr. SARBANES, Mr. SAYLOR, Mr. SEIBERLING, Mr. SHOUP, Mr. SISK, Mr. J. WILLIAM STANTON, Mr. STEELE, Mr. STRATTON, and Mrs. SULLIVAN):

H.R. 5871. A bill to authorize the Secretary of the Navy to construct and provide shore-side facilities for the education and convenience of visitors to the U.S.S. Arizona Memorial at Pearl Harbor and to transfer responsibility for their operation and maintenance to the National Park Service; to the Committee on Armed Services.

By Mr. MATSUNAGA (for himself, Mr. SYMMS, Mr. TEAGUE of Texas, Mr. THONE, Mr. TOWELL of Nevada, Mr. TREEN, Mr. VANDER JAGT, Mr. VEYSEY, Mr. WALSH, Mr. WHITEHURST, Mr. WIDNALL, Mr. WIGGINS, Mr. WOLFF, Mr. WON PAT, Mr. WRIGHT, and Mr. YOUNG of Florida):

H.R. 5872. A bill to authorize the Secretary of the Navy to construct and provide shore-side facilities for the education and convenience of visitors to the U.S.S. Arizona Memorial at Pearl Harbor and to transfer responsibility for their operation and maintenance to the National Park Service; to the Committee on Armed Services.

By Mr. MATSUNAGA:

H.R. 5873. A bill to amend section 552 of title 5, United States Code, known as the Freedom of Information Act; to the Committee on Government Operations.

By Mr. MILLS of Arkansas (for himself and Mr. SCHNEEBELI):

H.R. 5874. A bill to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes; to the Committee on Ways and Means.

By Mr. MINISH:

H.R. 5875. A bill to amend title 18 of the United States Code to permit the transportation, mailing, and broadcasting of advertising, information, and materials concerning lotteries authorized by law and conducted by a State, and for other purposes; to the Committee on the Judiciary.

By Mrs. MINK (for herself, Mr. BADILLO, Mr. BELL, Mr. BRECKINRIDGE, Mr. BROWN of California, Ms. BURKE of California, Mrs. CHISHOLM, Mr.

FORSYTHE, Mr. HARRINGTON, Mr. HELSTOSKI, Mr. LEGGETT, Mr. McCLOSKEY, Mr. MITCHELL of Maryland, Mr. MOSS, Mr. NEDZI, Mr. NIX, Mr. PODELL, Mr. ROE, Mr. SARBANES, Mr. STARK, Mr. THOMPSON of New Jersey, Mr. TIERNAN, and Mr. YOUNG of Georgia):

H.R. 5876. A bill to amend the Economic Opportunity Act of 1964 to provide that when Federal assistance to a community action program is discontinued, Federal property used for the program shall be transferred to the organization continuing the program; to the Committee on Education and Labor.

By Mrs. MINK:

H.R. 5877. A bill to increase the rates of duty on prepared and preserved pineapple and concentrated pineapple juice; to the Committee on Ways and Means.

By Mr. PERKINS (for himself and Mr. CARTER):

H.R. 5878. A bill to amend section 5(c) of the National Trails System Act to provide for the study of the Daniel Boone Trail to determine the feasibility and desirability of designating such trail as a national scenic trail; to the Committee on Interior and Insular Affairs.

By Mr. QUILLLEN:

H.R. 5879. A bill to repeal the bread tax on 1973 wheat crop; to the Committee on Agriculture.

By Mr. RARICK (for himself, Mrs. HANSEN of Washington, Mr. FOLEY, Mr. VIGORITO, Mr. MELCHER, Mr. GUNTER, Mr. THONE, and Mr. SYMMS):

H.R. 5880. A bill to provide that amounts appropriated by the Congress for the State-Federal Cooperative Forest Fire Control program shall be expended for that purpose; to the Committee on Agriculture.

By Mr. RINALDO:

H.R. 5881. A bill to amend title 39, United States Code, to permit the attendance, without loss of pay or deduction from annual leave, of certain U.S. Postal Service employees at funerals of honorably discharged members of the U.S. Armed Forces, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ROE:

H.R. 5882. A bill to amend title VII of the Civil Rights Act of 1964 to protect the employment rights of the elderly; to the Committee on Education and Labor.

H.R. 5883. A bill to provide for the study of certain lands to determine their suitability for designation as wilderness in accordance with the Wilderness Act of 1964, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 5884. A bill to designate certain lands as wilderness for inclusion in the National Wilderness Preservation System, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 5885. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mr. ROBISON of New York (for himself, Mr. HARRINGTON, Mr. McFALL, Mr. ASHLEY, Mr. SHRIVER, Mr. SKUBITZ, Mr. COLLINS, and Mr. DEVINE):

H.R. 5886. A bill to reestablish and extend the program whereby payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corporation and its subsidiaries to other Government departments; to the Committee on Interior and Insular Affairs.

By Mr. ROGERS:

H.R. 5887. A bill to amend title 10 of the United States Code in order to make certain totally and permanently disabled World War II servicemen and their dependents eligible for CHAMPUS medical benefits; to the Committee on Armed Services.

By Mr. ROSTENKOWSKI:

H.R. 5888. A bill to amend 33 U.S.C. 426 for the purpose of authorizing the Army Corps of Engineers to undertake emergency erosion control projects; to the Committee on Public Works.

H.R. 5889. A bill to amend the Disaster Relief Act of 1970 for the purpose of making clear that disaster assistance is available to those communities affected by extraordinary shoreline erosion damage; to the Committee on Public Works.

H.R. 5890. A bill to amend 33 U.S.C. 426 for the purpose of providing the right of reimbursement to local interests for undertaking repair of shore damages attributable to Federal navigation works pursuant to section 426; to the Committee on Public Works.

H.R. 5891. A bill to amend the Coastal Zone Management Act of 1972 for the purpose of determining the causes and means of preventing shoreline erosion; to the Committee on Merchant Marine and Fisheries.

By Mr. ROY:

H.R. 5892. A bill to amend section 6103 of the Internal Revenue Code of 1954 relating to inspection of income tax returns filed by persons having farm operations; to the Committee on Ways and Means.

By Mr. SCHNEBELI (for himself, Mr. GOODLING, and Mr. ESHLEMAN):

H.R. 5893. A bill to amend title 32, United States Code, to provide that Army and Air Force National Guard technicians shall not be required to wear the military uniform while performing their duties in a civilian status; to the Committee on Armed Services.

By Mr. STAGGERS (for himself and Mr. DEVINE):

H.R. 5894. A bill to amend the Communications Act of 1934, as amended, with respect to commissioners and Commission employees; to the Committee on Interstate and Foreign Commerce.

H.R. 5895. A bill to increase benefits provided to American civilian internees in Southeast Asia; to the Committee on Interstate and Foreign Commerce.

H.R. 5896. A bill to amend subsection (b) of section 214 and subsection (c) (1) of section 222 of the Communications Act of 1934, as amended, in order to designate the Secretary of Defense (rather than the Secretaries of the Army and the Navy) as the person entitled to receive official notice of the filing of certain applications in the common carrier service and to provide notice to the Secretary of State where under section 214 applications involve service to foreign points; to the Committee on Interstate and Foreign Commerce.

H.R. 5897. A bill to amend the Communications Act of 1934, as amended, with respect to penalties and forfeitures; to the Committee on Interstate and Foreign Commerce.

By Mrs. SULLIVAN (for herself and Mr. MAILLIARD):

H.R. 5898. A bill to amend the Merchant Marine Act, 1936, to provide authority to the Secretary of Commerce to issue permits to construct, operate, and maintain certain offshore port and terminal facilities; to the Committee on Merchant Marine and Fisheries.

By Mr. SYMINGTON (for himself, Mr. CLAY, Mr. ICHORD, Mr. MADDEN, and Mr. MOLLOHAN):

H.R. 5899. A bill to amend title I of the Housing Act of 1949 to permit a city whose population falls to below 50,000 to convert any outstanding urban renewal projects from a two-thirds to a three-fourths capital grant formula; to the Committee on Banking and Currency.

By Mr. UDALL:

H.R. 5900. A bill to further protect the outstanding scenic, natural, and scientific values of the Grand Canyon by enlarging the Grand Canyon National Park in the State of Arizona, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 5901. A bill to provide for compensation when certain leases or permits for the use of public lands are terminated, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. VANIK:

H.R. 5902. A bill to provide for the recycling of used oil and for other purposes; to the Committee on Ways and Means.

By Mr. CHARLES H. WILSON of California:

H.R. 5903. A bill to provide for the establishment of a national cemetery in Los Angeles County in the State of California; to the Committee on Veterans' Affairs.

By Mr. WOLFF:

H.R. 5904. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ZWACH:

H.R. 5905. A bill to amend the Lead-Based Paint Poisoning Prevention Act; to the Committee on Banking and Currency.

By Mr. CONABLE:

H.J. Res. 442. A joint resolution to authorize the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month"; to the Committee on the Judiciary.

By Mr. MANN:

H.J. Res. 443. Joint resolution to pay tribute to law enforcement officers of this country on Law Day, May 1, 1973; to the Committee on the Judiciary.

By Mr. MATHIAS of California (for himself, Mr. JOHNSON of California, Mr. DON H. CLAUSEN, Mr. SISK, Mr. KETCHUM, Mr. TEAGUE of California, and Mr. HOSMER):

H.J. Res. 444. Joint resolution to authorize the continued use of certain lands within the Sequoia National Park by portions of an existing hydroelectric project; to the Committee on Interior and Insular Affairs.

By Mr. ROE:

H.J. Res. 445. Joint resolution to authorize and request the President to issue a proclamation designating the calendar week beginning May 6, 1973, as "National Historic Preservation Week"; to the Committee on the Judiciary.

H.J. Res. 446. Joint resolution to authorize the President to proclaim the last Friday of April of each year as "National Arbor Day"; to the Committee on the Judiciary.

By Mr. WHITTEN:

H.J. Res. 447. Joint resolution providing for the designation of the first week in May of each year as "Be Kind to Animals Week"; to the Committee on the Judiciary.

By Mr. HASTINGS:

H. Con. Res. 158. Concurrent resolution relating to a national Indian policy; to the Committee on Interior and Insular Affairs.

By Mrs. HECKLER of Massachusetts:

H. Res. 317. Resolution amending the Rules of the House of Representatives to redesignate the Committee on Banking and Currency as the Committee on Banking, Housing and Urban Affairs; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

98. By the SPEAKER: Memorial of the Legislature of the State of Vermont, ratifying the proposed amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

99. Also memorial of the Legislature of the State of Idaho relative to the capital gains treatment of income from the cutting of

timber; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CAREY of New York:

H.R. 5906. A bill for the relief of Salvatore Carollo and his wife, Antonina Carollo; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 5907. A bill for the relief of Capt. Bruce B. Schwartz; U.S. Army; to the Committee on the Judiciary.

PETITIONS. ETC.

Under clause 1 of rule XXII,

70. The SPEAKER presented a petition of Richard L. McCormack, et al., Lorain, Ohio, relative to protection for law enforcement officers sued for damages in Federal court resulting from the performance of their duties; to the Committee on the Judiciary.

SENATE—Tuesday, March 20, 1973

The Senate met at 12 o'clock meridian and was called to order by Hon. JOSEPH R. BIDEN, JR., a Senator from the State of Delaware.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord our God, who has promised that wherever two or three are gathered together in Thy name, there Thou art in the midst of them, we lay hold upon that promise for, though like sheep, we may have gone astray and turned to our own ways, Thou hast not forsaken us. In our human weakness and need, grant us a sense of Thy real presence. Bestow Thy blessing upon the members of this body, its officers and its servants, that each of us may be better than we are, wiser than we know, and stronger than we dream, serving this Nation aright and ever advancing Thy kingdom.

Through Jesus Christ our Lord. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 20, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JOSEPH R. BIDEN, JR., a Senator from the State of Delaware, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. BIDEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, March 19, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees, with the exception of the Committee on Commerce, may be au-

thorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

MANPOWER REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. BIDEN) laid before the Senate a message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare. The message is as follows:

To the Congress of the United States:

As required by section 107 of the Manpower Development and Training Act of 1962, as amended, I am sending to the Congress the fourth Manpower Report of my Presidency and the final one of my first Administration.

The report describes the acceleration of the economic recovery in 1972 and analyzes the significant decrease in rates of unemployment that occurred following a revitalization of labor demand under Phase II of our Economic Stabilization Program. Significantly, these overall employment gains have been achieved in the face of an unusually rapid expansion of the civilian labor force. I am especially gratified by the evidence that this Administration's intensive effort to improve the employment situation of Vietnam-era veterans has been increasingly effective in recent months.

In the course of a decade of experimentation, numerous federally sponsored manpower programs have been devised and executed in response to changing perceptions of national requirements. The experience of these 10 years has demonstrated conclusively that "national" manpower issues really have a sharply differentiated impact among the many States and localities and hence that the effect of many large-scale federally designed programs has been to unduly constrict States and localities, preventing them from directing resources to meet their problems.

In response to these findings, this Administration will take steps during 1973 and 1974 to institute a new program of manpower revenue sharing within the existing legislative framework. The new

Manpower Report discusses this much-needed reform, which will permit States and localities to use manpower resources in a manner consistent with their requirements.

I commend this report to the careful attention of the Congress.

RICHARD NIXON.

THE WHITE HOUSE, March 20, 1973.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. BIDEN) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

THE PROGRAM

The ACTING PRESIDENT pro tempore. Does the distinguished Republican leader desire to be heard?

Mr. SCOTT of Pennsylvania. Mr. President, I had intended to dedicate my time to silence for the betterment of the Nation, but I understand that the distinguished acting majority leader is prepared to reply to a query from me as to the state of the business in the Senate.

Mr. ROBERT C. BYRD. Mr. President, may I say to the very distinguished Republican leader that if the Senate completes action on the bill to extend the Economic Stabilization Act today, and if an agreement can be secured with respect to time on the rural water and sewer grant program, the Senate would go over until Thursday upon this close of business today.

The reason, I say, is that the calendar does not have on it the bills which have been sufficiently cleared for action to necessitate a session of the Senate tomorrow. There are bills on which committees have acted and which may be reported to the Senate this week.

In this category are the four crime victim bills which may be reported tomorrow.

It is my understanding that the gold revaluation measure possibly could be reported tomorrow, or Thursday.

The omnibus health program extension bill will not be reported before Friday, and of course it could not be taken up until sometime next week.

The interest equalization tax bill also would not be reported to the Senate before Thursday or Friday.

Then there is the voter registration bill expected to be reported late this week or early next week.